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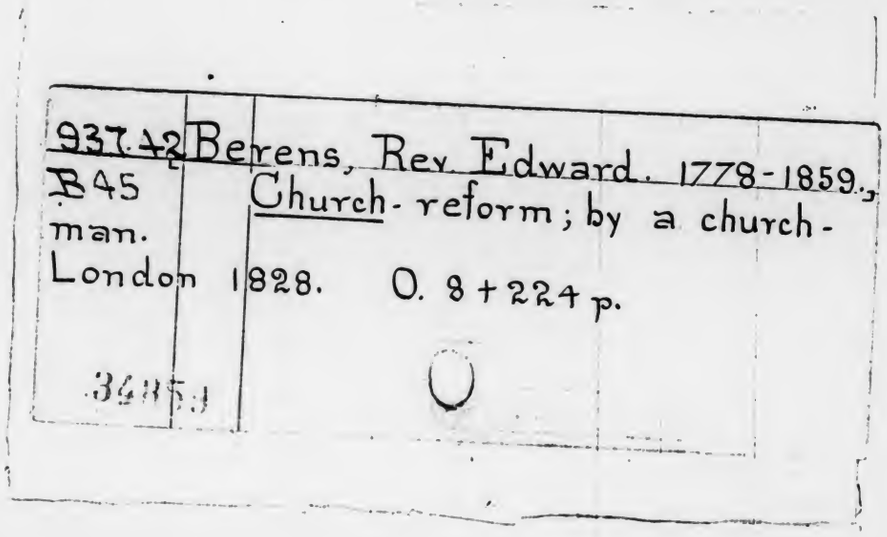

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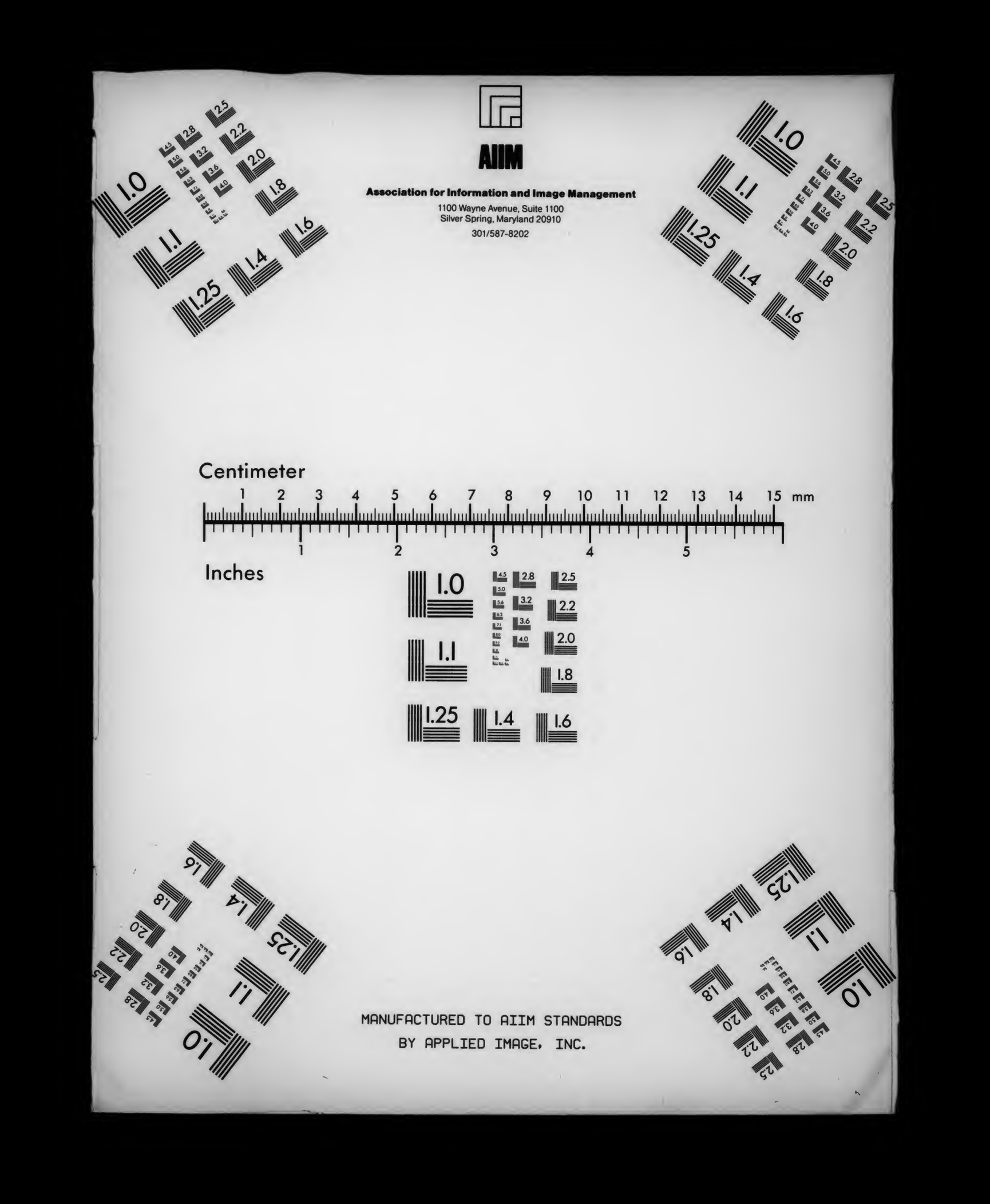
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A Churchman.

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CONTENTS.

CHAP. I.

Page 1.

CHURCH REFORM.

Introduction.

CHAP. II.

Page 21.

CHURCH DISCIPLINE.

Necessity of discipline *in the Church*—Defective state of such discipline—Instances—Remedy proposed.

CHAP. III.

Page 45.

CHURCH LAW.

Uncertain and unsatisfactory state of the laws of the Church—Endeavours to improve it—Commission in the reign of Edward the Sixth—*Reformatio Legum Ecclesiasticarum*—Abortive attempt in the reign of Elizabeth—*Canons of* 1603—The extent of their obligation on the clergy—Remedies.

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CHAP. IV.

Page 59.

CHURCH ENDOWMENTS.

Mistaken idea of the wealth of the Church—average of the amount of parochial benefices—Smallness of the income attached to a large proportion of them—Remedy—Annexation of sinecures to laborious parochial cures.

CHAP. V.

Page 77.

CHURCH PLURALITIES.

Objections to Pluralities—Mr. Rennell's defence of them—Walter de Cantilupe—State of the law on the subject—The law practically evaded—Purport and provisions of dispensations—Remedies.

CHAP. VI.

Page 99.

CHURCH DIGNITIES.

Burke's remarks upon high Church dignities—Many of the Bishops insufficiently paid—Bishops' leases and fines—Commendams—which description of Commendams most desirable—Archdeacons—Rural Deans.

CHAP. VII.

Page 121.

CHURCH SERVICE.

Excellence of the Liturgy—Alterations suggested—Creed of *St. Athanasius*—Damnatory clauses—"Most religious King"—Proper Lessons—Length of the service.

CHAP. VIII.

Page 141.

CHURCH LITURGICAL OFFICES.

Excellence of the Occasional Offices—Culpable diversity of practice in administering them—Remedies suggested—Alterations in the offices for Baptism—Matrimony—Burial of the dead.

CHAP. IX.

Page 161.

CHURCH EDIFICES.

Parish churches—The reparation of them often neglected, or conducted in a mistaken manner—Church Building Acts—Parsonage houses—Additions of glebe—Dilapidations.

CHAP. X.

Page 185.

CHURCH PROPERTY.

Diminution of Church property—Causes of it—Terriers—Church-Property-Commissioners—Tithes—Commutation of Tithes—for Land—Corn-Rent—Tithe-Commutation Bill of 1828—Fees—Parish Clerks.

CHAP. I.

CHURCH REFORM.

INTRODUCTION.

OF all the various branches of the catholic or universal Church, the Church of England is probably that which is the most wisely and the most happily constituted.

She has adhered to that form of ecclesiastical government, which is acknowledged to have prevailed, with hardly any exception, throughout the Christian world for fifteen hundred years. Her system of doctrines, founded on the word of God alone, and confirmed and illustrated by the writings of the fathers of the Church of the first and purest ages, keeps equally clear of the inventions of superstition and the dreams of fanaticism; while on those abstruse and mysterious subjects, the divine

foreknowledge and decrees, and the manner in which they are reconciled with the free-agency of man, she observes a prudent forbearance, "pronouncing almost none otherwise than as the Scriptures do as it were lead her by the hand." Her Liturgy, compiled for the most part from the very words of Scripture, but throughout breathing their spirit, and sometimes expressing that spirit in the language of holy men of the early ages of Christianity, is calculated to guide and to animate the devotion of her members, and to assist them in serving God in the beauty of holiness; while her Occasional Offices so bring together and enforce the passages of Scripture relating to some of the most important doctrines of religion, and the most interesting occurrences and relations of human life, as at once to guide the judgment, to promote morality of life, and to excite and invigorate sentiments of piety. Her external rites are equally removed from the cold simplicity and poverty of Puritanism on the one hand, and from the gorgeous ceremonies and complicated ritual of the Church of Rome on the other.

Indeed I feel satisfied, that if the Protestants in the north of Germany and in France had all along been blessed with a system of ecclesiastical government, and with liturgical offices, similar in all essential points to those of England, Protestantism would have obtained a much wider spread, would have possessed more effectual influence over the hearts and lives of its adherents, and would perhaps have been now the prevailing religion in the greatest part of Europe. The attachment to episcopacy and to the Anglican liturgy, which is gaining ground in the United States of America, is a circumstance most gratifying in itself; one which is, I trust, likely to contribute to the maintenance of a kindly feeling between the mother country and her gigantic offspring—a kindly feeling of the highest and the purest origin.

But while it is my heartfelt conviction that the Church of England is thus excellent and lovely, I by no means pretend to say

that it is absolutely free from imperfections. Imperfection of some sort must be the attribute of every human institution, of every human system. Even if our ecclesiastical system had been in every thing perfect and complete at the time it was originally constituted, it still may be possible that after a lapse of two hundred and seventy years some alterations may be expedient, or even necessary. We have recently been reminded, by two of the master spirits of the age, of the aphorism of Lord Bacon, that *time is the greatest innovator*, and that if laws and institutions do not keep pace with time, if they are not from time to time reviewed and renovated, they have a tendency to fall into contempt and desuetude.

But the Reformation in this country NEVER WAS COMPLETED. We are told so by Bp. Burnet, whose larger History of the Reformation in England was honoured with the thanks of the two Houses of Parliament, a distinction conferred I believe on no literary production either before or since, and whose abridgment of that history was not long since,

by the beneficent institution of parochial libraries, sent forth far and wide through the villages of this land, to teach the body of the people in what manner and by what steps the novelties of Romanism were removed and the old religion of the apostles restored, and in what instances the work of reformation is still incomplete.

One main branch of the Reformation for instance, the compilation of a body of ecclesiastical laws, for which measures were taken almost on the first dawn of the light of Protestantism, which for a long succession of years was held in view, and at length almost brought to conclusion, was broken off by the death of Edward the Sixth. That the work of the Reformation was left incomplete is no matter of surprise, when the circumstances of the times are kept in mind. When we reflect upon the many and various difficulties with which Cranmer had to contend, we admire him for doing so much, rather than censure him for not doing more. Admirable indeed were the temper, the judgment, and the caution, with which he steered

his course among the rocks, and shoals, and quicksands, which every where surrounded him, through the fierce despotism, the fiery passions, and conceited arrogance of intellect, of Henry the Eighth, and the secularity and avarice, the deadly animosities and complicated intrigues of those who after his death conducted the government of the country. 'The Reformation, one of the greatest periods of human improvement, was a time of trouble and confusion. The vast structure of superstition and tyranny, which had been for ages in rearing, and which was combined with the interest of the great and the many, which was moulded into the laws, the manners, the civil institutions of nations, and blended with the frame and policy of states, could not be brought to the ground without struggle, nor could it fall without a violent concussion of itself and all about it[a].'

Upon the accession of Elizabeth, her object was, as quickly as possible to restore the national religion to the state in which it

[a] Burke.

was at the death of her brother; and thus to have as little discussion on the subject as possible. Apprehensive of the influence both of the Puritans and of the Papists—the latter of whom were continually plotting against her authority and her life—and sensitively jealous of any thing that might appear, however remotely, to trench upon her prerogative and ecclesiastical supremacy, her wish was, that the minds of her subjects should be agitated as little as possible by questions connected with religion.

Her successor was not less apprehensive of the increasing influence of Puritanism; and the pious though not always well-judging men, who framed the Millenarian petitions, asked so much, that they failed to obtain some things which might perhaps have been advantageously granted to them. The wild and levelling fanaticism which prevailed during the great Rebellion inflicted for a time a fatal wound on sound religion. One of its evil consequences was, that it naturally brought upon several of the leading men among the Puritans, men of exalted piety,

of singular honesty, and straight-forward uncompromising zeal, a degree of discredit and suspicion which they did not really deserve. At the Savoy conference, almost immediately after the Restoration, the objections to the Liturgy brought forward by the Presbyterians, and the replies of the advocates of the Church, bore, of course, a strong similarity to those which were respectively adduced at the conference at Hampton Court. But the excellent and able men who defended the cause of the Church had in many ways smarted too severely and too RECENTLY, from the temporary triumph of their adversaries, to be well disposed for the work of concession and conciliation.

Another attempt to remove some imperfections in our ecclesiastical institutions, and to supply or complete some things that were wanting, was made immediately after the abdication of James II. and the accession of his daughter and her husband to the throne. On September 13, 1689, a commission was issued by King William to ten bishops and

twenty divines, to prepare matters to be considered by the Convocation. One object of this commission was the improvement of ecclesiastical law, and another was the reformation of the ecclesiastical courts. It says, "Whereas the book of Canons is fit "to be reviewed, and made more suitable "to the state of the Church; and whereas "there are defects and abuses in the eccle-"siastical courts and jurisdictions; and par-"ticularly there is not sufficient provision "made for removing of scandalous minis-"ters, and for the reforming of manners "either in ministers or people," &c. &c. Several of the bishops to whom the commission was addressed were able and learned men; and of the twenty divines, some were among the most distinguished ornaments of the Church of England; for instance, Stillingfleet, and Patrick, and Sharp, and Beveridge, and Burnet, and Tillotson. The heart-burnings occasioned by the great Rebellion however were not yet laid to rest, and the Revolution had just given a fresh impulse to unquiet and hostile party-feelings. Some

of the commissioners named by the king either did not appear, or soon deserted their brethren[b]. The great majority of them however engaged zealously in the work. It must be acknowledged, that the alterations suggested by these commissioners, though dictated by a genuine spirit of conciliation, were greatly too extensive. Much of what they proposed might be adopted with great benefit to the Church. But the spirit of the times was most unfavourable for the work; and the attempt at improvement was altogether abortive.

Thus has the Church of England gone on from the commencement of the reformation of religion until the present time, a period of almost three hundred years, acknowledging and lamenting her own incompleteness in some important particulars, but prevented by some extraneous circumstances from applying a remedy.

But surely such remedy might be applied *now*. The circumstances and the

[b] Birch's Life of Tillotson.

temper of the present times seem to be singularly favourable for it. Never did public men seem more intent upon carrying into effect great measures of amelioration and improvement. They appear to be disposed to lay aside party and political feelings and prejudices, and to contribute each what he can to the great work of temperate and prudent reformation. And never perhaps did the bench of bishops contain more men of distinguished talent and learning, united with simplicity and integrity of character, and a deep heartfelt anxiety for the advancement of real religion.

If the defects and imperfections which appear to me to exist in our ecclesiastical system had been merely theoretical, unattended with any important practical consequences, I would not have hazarded the imputation of meddling officiousness and presumption to which, I am very sensible, I now expose myself. But the imperfections to which I allude operate, in my opinion, most widely and extensively, in diminishing in many cases the respectability and the

efficiency of the parochial clergy, and in depriving our apostolical Church of much of that heartfelt and principled attachment, to which in all essential matters she is so justly entitled.

Or if the spots and blemishes to which I wish to direct the attention of our rulers had been of such a nature as easily to avoid public observation, prudence might perhaps have counselled that they should have continued veiled in obscurity. But they are for the most of a nature which courts and catches public attention. Public attention has been strongly turned to them; turned to them in such a manner, that they are continually made use of for the purpose of attacking our whole ecclesiastical system.

If again the defects and imperfections to which I allude had been susceptible of no remedy at all, or only of such remedies as would be a greater evil than such imperfections themselves, it certainly would be wise quietly and patiently to suffer them to continue. But I apprehend that in every instance which I shall bring forward, the

means of correction will be found easy and obvious. I would mention no evil, without, at the same time, suggesting a remedy of ready and facile application. And I do conscientiously believe, that the application of such remedies would contribute not a little both to the present efficiency, and to the stability and permanence, of our national Church.

That Church, both in earlier and in more recent times, has happily weathered many severe shocks, and has still, I am persuaded, a strong hold upon the affections of a great majority of the people. I believe too, that the wiser and more moderate of the dissenters—and in that body there are many men of distinguished talent, and of exemplary piety—are far from wishing to see its fall. But there is still abroad in this country much of that evil spirit which overthrew the throne and the altar in France. There are multitudes who are enemies to the Church of England, because they are the enemies of all religion. There are multitudes of her pretended adherents

who envy her her influence and her property, (property which they rate infinitely beyond its real value,) who watch her with the quick-sightedness of malice, and eagerly catch at every opportunity of directing the ridicule, or the clamour, or the hatred, of the unstable and giddy-minded populace against her and her ministers. And among her real friends there are very many who anxiously wish for some little correction, and readjustment of some parts of our system, which, from the lapse of time, and the wear and tear of centuries, have been a little diverted from their original intention, and been deprived of their full play and efficacy.

Public opinion has at all times had a claim—a claim both of power and of right—to be treated with respect; and in the present day public opinion is possessed of a weight and influence—a legitimate weight and influence—which it never possessed at any former period. In consequence of the general diffusion of education, and of the despotic power of the press, men who formerly were contented to take things as they

found them, and to leave them so, are now disposed to enquire and to discuss; to examine into the fitness of existing institutions, and the improvements of which they may be susceptible. I feel confident that public opinion would go with me in all the alterations which I shall venture to suggest. In compliance with the feelings and the temper of the times, a spirit of general improvement has gone forth and pervaded the whole of our systems of legislation. Surely the Church ought not to be the only body not benefitted by the intellectual progress of the age.

'I would only ask,' says Lord Bacon, 'why the civil state should be purged and restored by good and wholesome laws, made every third or fourth year in Parliament assembled; devising remedies as fast as time breedeth mischief; and contrariwise the ecclesiastical state should still continue upon the dregs of time, and receive no alterations now for these five and forty years and more?'——'If it be said to me, that there is a difference between civil causes and

ecclesiastical, they may as well tell me that churches and chapels need no reparations, though castles and houses do; whereas commonly, to speak truth, dilapidations of the inward and spiritual edifications of the Church of God are in all times as great as the outward and material[c].' Again in another place, 'To my Lords the Bishops I say, that it is hard for them to avoid blame (in the opinion of an indifferent person) in standing so precisely upon altering nothing; *leges, novis legibus non recreatæ, acescunt;* laws not refreshed with new laws, wax sour. *Qui mala non permutat, in bonis non perseverat;* without change of ill, a man cannot continue the good. To take away many abuses supplanteth not good orders, but establisheth them. *Morosa moris retentio, res turbulenta est æque ac novitas;* a contentious retaining of custom is a turbulent thing as well as renovation. A good husbandman is ever pruning in his vineyard or his fields; not unreasonably indeed, not unskilfully, but lightly; he findeth ever somewhat to do[d].'

[c] Of the Pacification of the Church.

With all humility and deference therefore, I do most seriously put it to the rulers and guardians of the Church, 'to consider the wisdom of a timely reform. Early reformations are amicable arrangements with a friend in power; late reformations are terms imposed upon a conquered enemy: early reformations are made in cool blood; late reformations are made under a state of inflammation. In that state of things the people behold in the' *establishment* 'nothing that is respectable. They see the abuse, and they will see nothing else. They fall into the temper of a furious populace, provoked at the disorders of a house of ill fame; they never attempt to correct or regulate; they go to work by the shortest way. They pull down the house[e].' The way to prevent this "pulling down of the house" is by timely reformation. It has long ago and often been remarked, that wise and temperate

[d] Bacon, Of Church Controversies.
[e] Burke.

reformation is the best mode of avoiding total revolution, and utter subversion.

Reformation, indeed, is much too strong and too extensive a word to be applied to the quiet ameliorations which I contemplate. I contemplate no greater alterations in our ecclesiastical system, than some of those which have already been made by the clergy-law-consolidation Act, and by the Acts for increasing the number of churches. Neither do the improvements which I would suggest deserve to be called *innovations*. My object is to correct and counteract the innovations of time, and to bring back some few of our ecclesiastical institutions to their primitive intention and object.

Even this "I approach with that awe and reverence with which a young physician approaches to the cure of the disorders of his parent[f]." *Young* indeed I have long ceased to be. I cannot plead youth and inexperience in excuse for my presumption. I cannot plead *youth;* for having been born

[f] Burke.

more than half a century ago, I am older both in years and academical standing than a considerable proportion of the bench of Bishops;—I cannot plead *inexperience*, having been a minister of the Church of England more than twenty-five years, and nearly the whole of that time engaged in the active duties of my profession;—more than twenty years in charge of a populous parish.

I am sensible that statesmen who are engaged in directing the politics of Europe, and deciding on the temporal condition of millions, may look upon my details as trifling and contemptible. But I say what I say, because, both from experience and from much consideration and reflection, I am satisfied that the reformation which I recommend would contribute to the honour, and extension, and stability, of our apostolical Church of England; would increase not a little the efficiency of her clergy; and consequently would, under the Divine blessing, be instrumental in promoting the everlasting welfare of the people committed to their charge.

CHAP. II.

CHURCH DISCIPLINE.

Necessity of discipline *in the Church*—Defective state of such discipline—Instances—Remedy proposed.

IT is not my intention to enter in any degree upon the enquiry how far it might be possible—and if possible, how far it would be desirable and expedient—to attempt to restore the discipline, which the Church once exercised over all her members generally. I confine myself to the discipline, to the corrective and punitive control, which she ought to possess over her own ministers.

That the Church ought to be possessed of such control, and also that the exercise of it should be prompt and unembarassed, cannot admit of a doubt. It is equally certain that her actual exercise of such control is clogged with so many difficulties and

impediments, as to have become in most instances almost powerless.

There is perhaps upon the face of the earth no body of men, among whom are to be found more sound and useful learning, more general correctness of manners, more active benevolence, more piety and zeal, than are to be found among the clergy of the Church of England. As men of the same nature, the same passions, with those who are committed to their charge, they all, of course, have many failings and imperfections to lament. Some take a higher and stricter view than others of "the sacredness and separation of the office ministerial," and of the degree to which those who are invested with that office, may lawfully enter into the ordinary avocations and amusements of the world. Public opinion unites with a sense of professional duty in calling upon them to be circumspect in these things; and there are few that feel not within themselves the cause, which they have to be on their guard against secularity of spirit. It must be acknowledged also

that instances of gross immorality sometimes occur. In so large a body, consisting it may be of fifteen or sixteen thousand individuals, this is to be expected. It is to be expected too, when such transgressions do unhappily take place, that they will be blazoned far and wide, and made use of by the enemies of the Church, for the purpose of fixing disgrace upon the clerical body at large, and of arraying against that body as large a measure of the hatred and contempt of the public as their malevolence can call into action. The large proportion of the clergy meanwhile, who, each in his own parish, keep the even tenor of their way quietly and unostentatiously engaged in the active discharge of their professional duties, in visiting the sick, consoling the afflicted, and ministering, according to their ability,—yea, and oftentimes beyond their ability,—to the temporal wants of the poor, are unheard of beyond the limits of their own immediate neighbourhood. The very nature of the duties which they so conscientiously fulfil, and the dislike of ostentation

which is one of the fair features of their character, prevent them from being brought into public notice, and deprive their profession of the advantage of having its many good members brought forward to counterbalance the few—(few comparatively speaking)—who are *very* bad.

That there are in the numerous body of the clergy some who are a disgrace to their sacred profession, that there are many who might be better than they are, and who *would* be better, under a more effective system of discipline, the warmest friends of the Church—(and I trust that it has few warmer friends than myself)—cannot but acknowledge.

I am no advocate for a minute enquiry into the lesser improprieties, or rather inaccuracies, of conduct, into which any member of the clerical profession may fall through inadvertence. Still less would I sanction any inquisitorial invasion of the privacy of his own dwelling, or hold up to public censure any of those imperfections or smaller irregularities of character or of demeanour which do not force themselves upon the observation of the public. Undoubtedly a clergyman ought to be exemplary in every relation of life, in every part of his conduct, in the whole turn and temper of his heart and mind. But I am speaking now not of the extent of his responsibility to God and to his own conscience, but of what ought to come under the cognizance and correction of human laws.

Neither again would I have these laws rigorously exact in marking every instance in which a member of this profession may in the freedom of conversation chance to speak unadvisedly with his lips, and say something not perfectly consistent either with correctness of faith or with purity of morals: such things are fit subjects for the judicious and delicate observation of his friends, his clerical friends especially, or for the admonition of his ecclesiastical superiors; but do not call for, ought not to be the objects of, corrective discipline.

But when a clergyman is charged with gross and flagrant immorality, immorality

of a nature which admits of easy proof; or with advisedly making light of, or speaking against, or denying, any fundamental article of that religion which he is pledged to teach; it surely is most desirable that there should be some ready mode of suspending him, or, if his offence requires it, of removing him altogether from the profession to which he is a disgrace. The public ought not to see men who have openly avowed their disbelief in the fundamental doctrines of the Church of England,—their disbelief in Christianity itself;—or men who by the laws of the land have been convicted of gross offences, offences, it may be, which legally deprive them of the common rights and immunities of their fellow-subjects, still, because they have received ordination, designated as clergymen of the Church of England, and at liberty to exercise the functions of clergymen wherever they can find an opportunity for intruding their unhallowed ministrations.

The expediency, the absolute necessity, of such corrective discipline is so plain to the common sense of every one, is so entirely *in the nature of things*, that the public, I think, generally take it for granted that it does actually exist. Men not ill-informed on the subject of the public institutions of their country, if they hear of any flagrant case of clerical delinquency, are apt to exclaim, Why does not the Bishop prevent such conduct, or why does he not punish it? The fact is, that in a multiplicity of cases the discipline of which we have been speaking, hardly can be said to exist at all.

Over the conduct of stipendiary curates indeed the Bishops have considerable control; such control having very properly been given to them by recent enactments, framed with a view to the actual circumstances of the Church, and to the feelings and opinions of the times. But in the case of beneficed clergymen, and of clergymen generally, the power of the Bishops, which can only be exerted through the medium of their courts, is so encumbered with antiquated and tedious forms, so checked and thwarted by the courts of common law, that it is almost worse than nugatory.

I have taken no pains to hunt for instances, and in the retirement of a country parsonage, at a distance from public records even of the humblest description, I have no facilities for adducing those cases which would make the most for my purpose. A few instances I may be permitted to give, the three first of which were mentioned to me in the freedom of personal intercourse by the Bishops themselves to whom they occurred.

The first instance was that of a Prelate, who to distinguished courtesy and amiableness of demeanour added a warm anxiety for the interests of religion, and for the efficiency and respectability of his clergy. Having felt compelled to proceed against a clerical delinquent on two distinct charges, he informed me, that on one of these charges the accused person had been found guilty; but that the proceedings on the graver charge were still pending, in consequence of the *scandalous delay* of the ecclesiastical court. The expression "scandalous delay" was not designed to convey any censure

against the persons constituting that court; in their individual capacity they were, I doubt not, and he would have acknowledged them to be, upright and honourable men: the censure was cast upon the *system*. The result was, that the culprit died before the termination of the proceedings; and the Bishop, for this painful but necessary exercise of his episcopal function, was saddled with costs to the amount of some hundreds of pounds.

Another venerable Prelate, distinguished for his princely munificence, his attention, while his health and strength permitted, to the interests of his diocese, and for personal piety, felt called upon to proceed against one of his clergy for open and habitual drunkenness. The clergyman was found guilty, and suspended; the Bishop however had to pay about a hundred and fifty pounds. This, as he observed, was of no consequence to a diocesan possessed of a princely revenue; but to a Bishop of a limited income such costly exercise of discipline might be a serious inconvenience.

My third instance does not perhaps bear so strongly on the present argument, as it was a case not wholly of ecclesiastical cognizance. A Prelate who on account of his habits of business and his energy and decision of character, in addition to extensive theological learning, was afterwards called to preside over the most important diocese in the kingdom, refused institution upon a simoniacal presentation, and was obliged to defend such refusal in a court of law. The decision was in his favour; and the Judge who pronounced it added, that the Bishop had only done his duty, and could not have acted otherwise. The proceeding entailed an expence of more than a hundred pounds upon the Bishop, who, in speaking of it, remarked, that with his large family, it was a little hard to be obliged to pay a hundred pounds for doing his duty. The regular revenue of the Bishopric which he then held did not, I believe, at that time exceed a thousand pounds.

Another instance which has been mentioned to me in conversation is that of a

Prelate who held three important dioceses in succession, and who, by his classical learning, his deep theological erudition, and the excellence of his character, adorned that University in which he long held a distinguished rank. His conscientious endeavour to exercise episcopal control and correction upon a delinquent clergyman cost him several hundred pounds.

Such instances are without number; and the public papers have very recently repeatedly brought before us a case of considerable aggravation. They tell us, that a clergyman in the diocese of Lincoln stands charged with various acts of shameful and open profligacy: that again and again proceedings have been instituted against him, which have been rendered abortive by the interference of the courts of common law: that petitions on the subject have been repeatedly presented to the highest tribunal in the kingdom; and that several Peers have spoken upon it, and indignantly asked, why such things took place, why the Bishop did not do his duty. They go on to report, that the

late Bishop of Lincoln replied, that he had spent several hundred pounds in ineffective endeavours to punish the delinquency complained of; and that the present Bishop of that diocese—than whom no Prelate ranks higher for depth of learning and soundness of discretion—openly in his place in Parliament; avowed and lamented his inability to act to any useful purpose.

All men of the slightest pretension to common sense and proper feeling must, I think, concur in thinking that this state of things ought to be remedied without delay. The remedy appears to be obvious, and of easy application. The remedy which I would suggest is the appointment of *courts ecclesiastical*, almost exactly similar in their constitution and their forms of proceeding to *courts martial* in the army and navy.

The members of the military professions, while in common with their fellow-subjects they owe obedience to the laws of their country in general, have also their own codes of laws for the regulation of their professional conduct, their adherence to, or

their neglect of, such codes being enquired into by courts formed from among themselves. An officer is charged with some infraction of such code, or, generally, with conduct inconsistent with the character of an officer and a gentleman. A court of enquiry is probably, in the first instance, directed to report whether there is any sufficient ground for the charge. Upon their reporting that the charge appears to be well founded, the court martial is summoned, consisting of from five to thirteen members, as the case may be, with a president, and a judge-advocate, whose duty it is to state precisely what the laws are which bear upon the case, and to take care that the rules of evidence be strictly complied with. The judge-advocate, and the several members of the court, are sworn not to make known each other's opinion in determining on the sentence. The collective opinion of the court is kept secret, until communicated to the commander-in-chief, to whom is entrusted the definitive approval or disapproval of the judgment of the court.

The effects of this system, notwithstanding the censure cast upon it by Blackstone, appear to be excellent. The officers of the army and navy, though they may like their fellow-subjects be too often unmindful of the common duties of morality, are in general distinguished for attention to their professional duties, and by regard for their professional character.

Why should not a similar system be adopted in the Church?

Nothing can be farther from my intention, than the withdrawing of the clergy from the restraint and correction of the common law of the land. To that law they would be amenable precisely as they are now. What I wish, and what I am convinced the public also wish, is, to see a more ready mode of exercising discipline over them in their professional capacity, and of punishing them *as clergymen* whenever they are guilty of any gross and glaring offence against their professional character. This discipline I would administer in most cases through the medium of such courts as I have just suggested.

A clergyman is charged, either by some individual, or by strong and general report—*famâ clamosâ*—with some specific offence, or with general behaviour grossly inconsistent with his professional character. The Bishop will in the first instance constitute a court of enquiry, by commissioning three or four of the most respectable clergymen in the neighbourhood of the accused person to enquire whether there appears to be any real ground for the accusation. Such commissions are often issued now. Upon their reporting that there *is* ground for it, the next step will be the convening of a certain number of clergymen,—perhaps five or seven including the president,—for the purpose of constituting a court for the trial of the accused person. It may be doubted whether this court should consist of beneficed clergymen from his immediate neighbourhood, or of the Chapter of the Cathedral. To the neighbouring clergy it would be a most painful office thus to sit in judgment upon a delinquent brother, and they might have considerable difficulty in sufficiently divest-

ing themselves of all local feelings, of all local prepossessions. From such feelings and prepossessions the Chapter of the Cathedral would generally speaking be entirely free; they would form their opinion solely from the evidence before them; and any of the neighbouring clergy might be called on, if it should be thought expedient, to enquire into the general character of the accused person. Indeed the Chapter of a Cathedral is considered by the law as constituting the council of the Bishop, for the purpose of assisting him in the fulfilment of his office. The devolving upon them so grave and important a function as the trial of delinquent clergymen would lead the public to form a higher and more favourable estimate of the utility of these ancient and venerable bodies, and would contribute possibly to their permanence. The holding of the court in the Chapter House would add solemnity to the judicial proceedings; and all the necessary officers and records would be on the spot. The Chancellor of the diocese might beneficially fulfil the duties of judge-advocate, and be ready to give whatever information might be requisite respecting the actual state of the law, and the rules of evidence, as they might apply to each particular case. The Registrar of the diocese would act as public prosecutor, for the purpose of bringing the charge before the court, and supporting it by proper evidence; in the performance of which office, he would be influenced by none of those feelings of personal resentment which too often actuate prosecutors in the courts of common law, but would exercise toward the accused clergyman every indulgence which might be consistent with the fair and impartial administration of justice.

A certain degree of publicity in all judicial proceedings seems to be of the essence of the British constitution. When however the evidence on both sides has been completely gone through, the deliberation of the court should be in private. The practice of courts martial, by which every member of the court is bound by an oath not to divulge the judicial opinion of any of its members,

should be adopted in these courts ecclesiastical. The *finding* of the court should not be made public until it has been submitted to the Bishop of the diocese, by whom, in all cases, sentence should be pronounced.

The punishments to be awarded by such court would be fine,—in proportion to the amount of the ecclesiastical income enjoyed by the delinquent,—suspension, and total degradation. A clergyman receives the emoluments of his profession in consideration of his duties. It is fair that those emoluments should be diminished, or entirely withdrawn, in proportion to his neglect of such duties, or to his unmindfulness of his professional character. An appeal should be allowed *only* to the Court of Delegates.

It appears to be self-evident, that in all cases in which a clergyman is regularly convicted in a court of common law of felony, or other infamous crime, or of blasphemy, or of gross immorality, it would be desirable that the Judge who has presided should, as a matter of course, certify such conviction to the Bishop in whose diocese the clergyman is beneficed, or, if he is unbeneficed, to the Bishop in whose diocese the conviction takes place,—who, without further trial, shall, with the assistance of his Chancellor, and with his Registrar and Notary to record the proceedings, pronounce sentence of suspension, deprivation, or degradation, according to the nature of the case.

It is unnecessary to add, that such proceedings must be rendered quite independent of the courts of common law, which must not be suffered to interfere either by prohibition, or in any other manner.

If a clergyman is possessed of a freehold, it is at all events a *conditional* freehold, and his ecclesiastical superior, assisted by a certain number of *his peers*,—his brother clergymen the peers,—is the proper authority to say, whether the conditions on which the freehold is held have or have not been fulfilled.

It is hardly necessary to observe, that it would be convenient that the meeting of such courts should be fixed to certain definite periods,—(twice a year would perhaps be sufficiently frequent,)—which might be ar-

ranged with a view to the usual meetings of the Chapter. No member should be required to attend from any great distance, or at any serious personal inconvenience. Their place might be supplied at the discretion of the Bishop by any of the beneficed clergy in or near the Cathedral town. It may fairly be presumed that no dignitary of the Church would be unwilling, in return for his professional rank and emoluments, to give a small portion of his time for the purpose of keeping up the respectability of the clerical profession.

All legal proceedings of every description are of necessity attended with expense, and there are but few cases in which the arrangement of the mode in which such expense shall be met is entirely satisfactory. The expenses attending the courts which I have ventured to suggest need not be heavy. The members of the court would receive nothing. Like Justices of the Peace, and many other public officers, they would undertake this administration of ecclesiastical discipline, as one of the burdens—if

burden it must be called—attendant on the station which they hold in society. They will feel also that they have already devoted themselves, their time, and their talents, to the cause of the Church; and—if pay must be mentioned—that they are paid in advance by the emoluments annexed to their place and dignity. The Chancellor, (or judge-advocate,) the Registrar, and the Notary, should all be remunerated, and remunerated liberally, for the time that they are in actual attendance. But nothing should be paid in the shape of fee or gratuity, nothing for unnecessary forms. Witnesses also must be paid for their time, and their reasonable expenses. All such expenses should be brought under the notice of the court, who should have the power of controlling them, and of awarding in what manner such as are allowed shall be paid. When the charge or accusation is established, the expenses would of course fall on the delinquent. When it is found to be groundless, those who originally brought it forward must be responsible. All *fines*

might be paid towards a fund to be established in every diocese, which, under the guarantee and discretion of the Bishop and Chapter, might be made available to many ecclesiastical purposes. From such fund, when sufficiently established, the whole or any part of the expenses might be paid, especially when the proceedings are instituted by the Bishop himself.

Many of the subordinate details of the measure which I have ventured to suggest would of course require mature consideration. I feel persuaded, however, that the adoption of such a mode of proceeding would be most beneficial, would contribute to the respectability and the efficiency of the clerical profession, and consequently would be most acceptable to the public. Few will deny that nothing can well be more cumbrous and ineffective than the system of ecclesiastical discipline in actual existence.

Will it be said, that the officers of the existing ecclesiastical courts will prevent the adoption of any such measure, by their

apprehension lest their official emoluments should be curtailed? by the outcry that *their craft is in danger?* I will not deem of them so hardly, so injuriously. Doubtless they are, generally speaking, men of honourable and disinterested principle, anxious both in their individual and their professional capacity for whatever would contribute to the credit and welfare of the Church. I speak from personal knowledge, when I say, what is acknowledged universally, that the highest ecclesiastical court in the kingdom contains men of distinguished talent, of high literary and legal attainments, of active benevolence, and disinterested zeal for the public good. Similar qualities in their proportion and degree extend, I make no doubt, to the officers in the inferior courts. Were my suggestions in any degree adopted, there would be no cause for anxiety respecting their official emoluments. They would still be paid, and paid liberally; but would be paid for useful and efficient services, instead of being paid for impeding the exercise of salu-

tary discipline, by antiquated forms, hard perhaps to be thoroughly understood, and cumbersome and harassing in their operation.

CHAP. III.

CHURCH LAW.

Uncertain and unsatisfactory state of the laws of the Church—Endeavours to improve it—Commission in the reign of Edward the Sixth—*Reformatio Legum Ecclesiasticarum*—Abortive attempt in the reign of Elizabeth—*Canons of* 1603—The extent of their obligation on the clergy—Remedies.

AS the clergy constitute what may in several respects be considered as a distinct body in the state, with peculiar duties, and peculiar privileges and immunities, it may naturally be supposed that they are governed by a distinct code of laws relating to their particular functions. This is known to be the case with the military professions, which are governed by laws framed for that express purpose, under the title of Articles of War. It is I believe taken for granted by the public,—by those of the public I mean who bestow a single thought upon the subject,—that the clerical profession is governed

by a similar professional code. They would probably be surprised at being told of the heterogeneous materials of which the clerical law is composed, and of its vague, indefinite, uncertain operation, upon either the practice or the consciences of members of the profession, whose conduct it is supposed to regulate. They would be surprised at finding that the clergy of England of the present day are governed, *pro tanto*, by the synodical constitutions of Otho and Othobon, the papal legates in the reign of Henry the Third, and by the provincial constitutions of Boniface, Peccham, and Mepham, and other Archbishops of Canterbury in the thirteenth and fourteenth centuries.

I am far from meaning to insinuate, from the date of these constitutions, or from their having issued under the full domination of papal Rome, that therefore they are inexpedient. All that I would suggest is the probability that they may require careful revision, in order to their adaptation to the present state of religion and of society.

The compilation of a body of ecclesiastical

law was, it seems, very early deemed essential to the completion of the reformation of religion in this kingdom. Accordingly, in the twenty-fifth year of the reign of Henry the Eighth, very soon after the supremacy of the Pope had been shaken off, an Act was passed, empowering the King to "nominate "and assign at his pleasure two and thirty "persons of his subjects, whereof sixteen to "be of the clergy, and sixteen to be of the "temporalty of the upper and nether house "of Parliament, to form a compilation from "the canons, constitutions, and ordinances, "provincial and synodal, heretofore made." "Provided, that such constitutions, &c. "which will not be contrariant or repug-"nant to the laws and customs of this "realm, nor to the damage and hurt of the "King's prerogative royal, shall still be "used and executed till such time as they "be otherwise ordered by the said two and "thirty persons, or the more part of them." This Act was renewed and continued in the twenty-seventh year, and again in the thirty-fifth year, of the same monarch.

The design however not being completed in that King's reign, the matter was again set on foot in the reign of his successor. By the Act 3 and 4 Ed. VI. it was enacted, "that the King should have power for three "years to appoint sixteen of the clergy, "whereof four to be Bishops, and sixteen "of the temporalty, whereof four to be "learned in the common law, to compile "such ecclesiastical laws as aforesaid, not "being repugnant to the common law or "statutes of this realm[a]."

'Thirty-two were found to be too many for preparing the first draught, so eight were appointed to make it ready for them. These were Cranmer and Ridley, Cox and Peter Martyr, Trahern and Taylor, and Lucas and Gosnald; two Bishops, two divines, two civilians, and two common lawyers; but it was generally believed, that Cranmer drew it all himself, and the rest only corrected what he designed. Hadden and Check were employed to put it in Latin,

[a] Burns' Ecclesiastical Law, Preface.

which they did so well, and arrived at so true a purity in the Roman style, that it looked like a work of the best ages of that state, before their language was corrupted with the mixture of barbarous terms and phrases. The eight finished it, and offered it to the thirty-two commissioners, who divided themselves into four classes; every one was to offer his corrections, and when it had passed through them all, it was to be offered to the king for his confirmation. But the king died before it was quite finished, nor was it ever afterwards taken up[a].' Several of the more important provisions of this code are given by Burnet and Collier.

In the year 1571 (the 13th of Queen Elizabeth) a last effort was made to give to this "Reformatio Legum Ecclesiasticarum" the sanction of Parliament. "Such a body of laws to succeed the old ones had been many years desired by the learnedest

[a] Burnet's Abridgment.

and best men of the reformed religion. And now in the present Parliament, so active in reforming religion, it was moved, it was thought, seasonably. It was printed accordingly; and on April 6th, Mr. Norton, a stirring member of the House, in a speech there, mentions this book, and propounded that consideration should be had of it. A committee was thereupon appointed for redress of sundry defects in religion. But instead of reviewing and furthering the establishment of this excellent and elaborate book, the Parliament fell rather upon examining other matters of religion already established, which gave the Queen great offence[b]."

In the year 1603, at the beginning of the reign of James I. the Constitutions and Canons, by which the Church is now governed, were made in the convocation of the province of Canterbury, and ratified by the king, for himself, his heirs, and

[b] Strype's Life of Parker.

successors. The Canons were also received and passed, about two years afterwards, in the province of York[c].

'These Canons (being a hundred and forty-one) were collected by Bp. Bancroft, a resolute and active man, out of the Articles, Injunctions, and Synodical Acts, passed and published in the reign of King Edward the Sixth, and Queen Elizabeth[d].'

The Canons of 1603, as is well known, were not confirmed by Parliament. Consequently it was determined by the Court of King's Bench, that they do not *proprio vigore* bind the laity. To what extent they are binding on the clergy, either in law or in conscience, seems not to be accurately ascertained. Lord Hardwicke's judgment, given by Burn[e], says, "It is rightly said that the king's consent to a canon, *in re ecclesiasticâ*, makes it a law to bind the clergy, but not the laity." Archdeacon Sharp, the accurate

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[d] Collier's Eccles. Hist.
[e] Ecclesiastical Law, Preface.

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and conscientious,—I had almost said scrupulous,—inquirer into the obligation to observe the Rubrics and Canons of the Church, says, "I think it is agreed on all hands, and maintained by the common lawyers as well as civilians, that the Canons (at least with respect to us of the clergy, in which light alone I am viewing them at present) are law, and binding under their several penalties, in all cases whatsoever where they do not contradict or interfere with the laws of the state."—"The immediate inference from which should seem to be, that they ought likewise in all cases to be literally conformed to. And yet if we should lay this down as an invariable or indispensable rule of practice, as matters now stand with us, in all cases to pay a literal obedience to the Canons, we should soon find ourselves so entangled and beset with difficulties, as would puzzle both professions, of the law as well as our own, to extricate us out of[f]."

[f] Sharpe on the Rubric and Canons.

Of these difficulties and entanglements, the Archdeacon proceeds to give some instances; and then argues that the clergy have a *tacit dispensation* for not following the letter of the Canon in all points, when the proper guardians or conservators of the ecclesiastical laws are known to be consenting to our departure from the letter of the Canon, on presumption that we answered the principal end and intention of them some other way[g].

Sometime after he proceeds, "the Canons were framed suitably to the particular principles, discipline, and customs, of that age in which they were set forth. The reasons of some injunctions have now ceased. The use and fitness of others now no longer appeareth. And what might be decent then, and pass well, would seem now, after almost a century and a half[h], through gradual change of customs, strangely antique and unbecoming[i]." Now surely this

[g] Sharpe on the Rubric and Canons, p. 106.

[h] The Charge was delivered 1738.

[i] I am told that an intelligent writer, in a perodical

state of things ought not to be suffered to continue. Surely the ecclesiastical law of the kingdom ought not to be permitted to remain in this state of uncertain obligation, of inextricable entanglement, of obsoleteness and desuetude.

For the evil above pointed out, two remedies seem to suggest themselves, of very different degrees of efficacy, and one of them, consequently, far preferable to the other.

The most complete and effectual remedy —perhaps, I might add, the most *constitutional* remedy—would be the appointment by the Crown of a commission similar to that which was constituted in the reign of Edward the Sixth. Never had we Prelates on the bench capable of bringing to the work more sound learning, more knowledge

publication conducted with distinguished talent, not long since fell into the mistake of supposing, that the oath of canonical obedience, by which a clergyman on institution swears to "perform true and canonical obe- "dience to his diocesan and his successors in all things "lawful and honest," implies an obedience to the letter of the Canons of 1603.

of ecclesiastical antiquity, more logical clearness of intellect, more energy of character, more honest simplicity of purpose, than several of those who in the last few years have been elevated to that exalted station. We have civilians, who would engage in the undertaking with activity and zeal, and who are fitted for it, by the extent and accuracy of their legal and general knowledge, and by their acuteness of intellect. In the event of the appointment of such a commission, the commissioners would, no doubt, be selected with a judgment and discrimination equal to that, which directed the selection of the commissioners for carrying into effect that most important and beneficial measure, the Act for increasing the number of churches. Dr. Burn states, that by the statute 1 Eliz. c. 1. the Act 25 Hen. VIII. c. 19. was renewed, and extended to the Queen, *her heirs*, and *successors*. From this it should seem that the Crown has the power of issuing such a commission, whenever it shall think it expedient.

The result of the labours of such com-

missioners would perhaps require to be submitted to the Convocation, with the concurrence—or rather by the express direction—of the Crown; and would then stand in need of the sanction of Parliament.

The other remedy, which suggests itself for the present uncertain and inefficient state of the ecclesiastical law, might be applied (without any fresh legislation) by the guardians and governors of the Church.

It is understood that during the session of Parliament, such Bishops as are in London, meet every week at the palace of the Primate, or some other convenient place, for the purpose of conferring together on the state and the affairs of the Church. With the utmost deference I would submit, that it is very desirable that the Right Reverend Prelates should determine among themselves, which of the Canons they would all agree in enforcing, which they all consider as useless and obsolete. It is greatly to be wished, both for the credit of the Church, and for the ease and convenience of the clergy, that there should, as far as possible,

be a uniformity of discipline and of practice throughout the realm, that the clergy in one diocese should not feel themselves governed by rules and regulations materially different from those in another. Unity of discipline bears a near and close affinity to unity of worship and unity of doctrine.

CHAP. IV.

CHURCH ENDOWMENTS.

Mistaken idea of the wealth of the Church—average of the amount of parochial benefices—Smallness of the income attached to a large proportion of them—Remedy—Annexation of sinecures to laborious parochial cures.

THE exaggerated statements respecting the wealth of the Church have been again and again triumphantly refuted. Still I apprehend that there are many persons in all ranks, who even now look upon the English clergy as an opulent body. This is far indeed from being the case. Upon the revenues of Church dignitaries I shall offer some remarks hereafter, and shall now confine myself to the beneficed parochial clergy.

With respect to the incomes of parochial incumbents a practical fallacy prevails, I apprehend, to a considerable extent. A stranger sees several clergymen residing in comfortable houses, built possibly or improved at their

own expense, exercising a decent hospitality according to the common acceptation of that term, contributing liberally to the charitable institutions in their neighbourhood, and attentive in relieving the temporal wants of their own parishioners. He takes it for granted that the Church is most largely endowed; and the enemies of religion look with an envious and evil eye on the *riches of the clergy*. The fact perhaps is, that by far the larger proportion of the incomes thus expended, is derived, not from the Church, but from other sources,—from parents and relations,—while the actual endowment of the Church would barely supply to its minister food and raiment. In such cases the comparative affluence of the *churchman* is not the affluence of the *Church;* though the Church occasions the beneficial expenditure of an income much larger than it supplies, in its parish and neighbourhood.

Bp. Watson, than whom no one was possessed of a more clear and philosophical intellect, calculated, that if all the revenues of the Church were thrown into one mass,

and thus portioned out among the parochial clergy, they would not give an income to each of more than £150.

In 1822 Mr. Thackeray, apparently a very judicious and accurate writer, from the most careful enquiry, estimated the whole ecclesiastical revenue at £2,290,000. Two millions he considers as the aggregate income of about 10,000 consolidated benefices, which would give a receipt to each incumbent of £200 per annum[a].

Dr. Yates, (to whom the friends of religion are so much indebted for drawing the attention of the public and of government to the want of church room,) after carefully examining the returns of all benefices not exceeding £150, made by the Archbishops and Bishops to his Majesty in council, tells us, that, notwithstanding the operation of Queen Anne's bounty since the year 1703, assisted as it has been to a large amount by private munificence as well as by Parliamentary grants, there are still 3,589 parochial benefices not exceeding £98 per

[a] Defence of the Clergy.

PAGES MISSING
62-63

Absolutely to deprive the Church at large of any part of her property I should consider as a species of sacrilege. But her property was given to her for the advancement of religion, and it is the duty of government to consider in what manner it can be made most conducive to that great object.

One of its first steps should be the permanent annexation of the *secondary sinecures* in Cathedrals to those parochial benefices, which have attached to them the largest amount of work, and the least amount of emolument. I am not now attacking Deans and Chapters. The primary stalls in Cathedrals will remain for the purpose of rewarding distinguished literary merit, or for annexation to poor Bishoprics. Chapters too, in their collective capacity, may in many ways be made to render very important services to the Church. The stalls which I would permanently annex to small livings are the SECONDARY stalls, of which there appears to be about 342. There are, for instance, 42 in Bath and Wells, 23 in York, 28 in Chichester, 23 in Hereford, 46

in Lincoln, and 40 in Salisbury. These stalls, I apprehend, have in many instances annexed to them an estate in land called a *corpse*, let at a very low rent on a lease for lives, renewable when a life drops, and often the patronage of some benefice. There may not be much objection to renewable leases in the case of colleges and other corporations having perpetual succession among themselves. But where an *individual* is concerned, and has to make his own bargain with a view to his own life and the life of his tenant, it is perhaps the very worst mode of clerical endowment. There is something painful and revolting in the idea of a clergyman anticipating pecuniary benefit to himself from the death of a fellow-creature, or talking, according to the common expression, of *running his own life against the life of his tenant*. Again, the whole system bears the uncertain character of a gambling transaction. It has much of the nature of a lottery, in which one man gets a prize, (a prize occasioned by the death of a fellow-creature,) when perhaps he does not particularly want

it; and another man nothing, when the chance of the prize has led him into acts of improvidence. Clerical income should as much as possible be reduced to certainty, the life of order and good management.

The evils resulting from this system might be remedied, either by placing all such property under the administration of the Dean and Chapter, who, after calculating the probable amount of fines, should give to the Prebendary a fixed annual payment; or by an Act of Parliament, making it illegal for any future Prebendaries to grant leases otherwise than for an annual corn rent. Certainly, I should think, that the rent of such Cathedral tenants should be decidedly less than that usually paid to the landowners in the vicinity; that a holding under the Church should be a beneficial holding.

The emoluments of the Prebendal stalls being thus brought to something approaching to certainty, should in the first instance be annexed to the livings connected with them, supposing those livings to be in the diocese of the Cathedral, and insufficiently

endowed. For instance, (to give a real case, though without mentioning names,) the market-town of A contains about 2000 inhabitants. It is a Vicarage of rather more than £500 per annum. It has the chapel of ease of B, a village with 500 inhabitants, three miles off in one direction; the chapel and village of C, with 300 inhabitants, three miles off in another; and the smaller village and chapel of D, distant about a mile and a half. There are on Sundays two duties at the mother church, one duty at each of the chapels. It would be most desirable to make the villages of B and C distinct benefices; and the means of doing this are amply supplied by the property connected with the mother church. The patronage of the Vicarage is the Prebendary of A, in the Cathedral of E; the Prebend being in the gift of the Bishop. The present Prebendary resides in a distant county, and has nothing to do with A, but to receive a small reserved rent, and a fine when a life happens to fall. The property belonging to the stall is probably £1800 per annum. From this property I would in-

crease the annual income of the Vicarage of A to £600, annexing to it in perpetuity the dignity of the Prebendal stall, with whatever slight Cathedral duties may attach to it. The two Chapelries of B and C I would endow as distinct Vicarages, giving each about £300 per annum, together with a Vicarage house, and, if possible, a few acres of glebe. The patronage of the *three* Vicarages should be vested in the Bishop.

There are, I apprehend, hundreds of instances in which a similar arrangement might advantageously be made. When the living connected with the Prebend is not situated in the diocese of the Cathedral, or is already adequately endowed with reference to its population, the market-towns in the diocese have the strongest claim to the benefit to be derived from such annexation. Market-towns, while in some instances they make the largest demands upon the time and the purse of the Incumbent, are generally the most poorly endowed. Many of them, with a population each of some thousands, have not a fixed revenue of £100 per annum. 'In

'Henry the Eighth's valuation,' says Fuller, 'Vicaridges were valued very high, according to their present revenue, by *personal* '*perquisites*. In that age, he generally was 'the *richest shepherd*, who had the *greatest* '*flock*, where *oblations* from the *living*, and '*obits* for the *dead*, (as certainly paid as '*predial tithes*,) much advanced their *income*. 'In consideration whereof, Vicaridges (mostly 'lying in market-towns, and populous parishes) were set very high, though soon 'after those *obventions* sunk with superstition; and the Vicars, in vain, desired a 'proportionable abatement in the *King's* '*book*; which once drawn up, were no more 'to be altered [d].'

I may be told, that these secondary stalls are already, in most cases, held by clergymen engaged in laborious parochial cures, or given as the rewards of distinguished merit. But is this really the case? I would not be guilty of uttering a syllable, which should seem to throw the shadow of a doubt upon the public principle of those by whom these

[d] Church History, p. 228.

stalls are given, or in the slightest degree to disparage any of those clergymen upon whom they have been conferred. But if it should be enquired, how many of these stalls have been given from motives merely *personal*, in reward for services rendered not to the Church, but to the individual, from personal connection, from relationship, from deference for the wishes of great men, or from similar inducements—what would be the answer?

By the arrangement which I propose, the patronage of the Bishop, so far from being diminished, would be greatly increased; for these Prebendal augmentations should be made either to benefices already in the Bishop's patronage, or to those which heretofore belonged to the Prebend, but would now be vested in the Diocesan; or to Crown livings, of which also the patronage should, in consequence of the augmentation, be transferred to the Bishop. As the Bishop is to a certain degree responsible for all the souls in his diocese, the patronage in his diocese can be vested no where so properly as in him.

I am confident that such annexation of apparent sinecures to the ill-endowed and laborious parochial benefices in the diocese in which the Cathedral be situated, would be conducive to the promotion of the best interests of religion, and would be highly satisfactory to the public.

A similar arrangement might be made with respect to sinecure Rectories. The very name of *sinecure* contributes to lower and to weaken the Church in public estimation. For instance,—(another *real* case,)—the sinecure Rector of A presents to the ill-endowed Vicarage of B, together with the chapel of ease and populous parish of C, both churches having only single duty on Sundays. He presents also to the Rectory of D, with the Chapelry of E, lying at some distance; and also to the perpetual Curacy of F. The sinecure Rectory is amply sufficient to endow the two Chapelries with house and glebe and £300 per annum each; to endow also the perpetual Curacy of F; to increase the income of the Vicarage of B, at the same time that it is relieved of half its labour; and

also to indemnify both the sinecure Rector himself and his lessee for the pecuniary interest which they respectively possess. The patronage of all, or of the greater part, of these benefices would be vested in the Prelate, who collates to the sinecure. Surely, such an arrangement is greatly to be wished. Similar instances of sinecures occur in many parts of England.

Something of the spirit of the arrangement which I have suggested has recently been exemplified in Ireland. In the Cathedral of Connor were three dignitaries, the Chancellor, the Archdeacon, and the Precentor. They had no duties to perform, but their emoluments arose from the great tithes of thirteen parishes. The present exemplary Bishop of Down and Connor procured an Act of Parliament, by which those tithes were restored to the churches of the parishes in which they accrued. The three best of the livings thus endowed were annexed to the three Dignities; but the three Dignitaries, in return for their emoluments, have each a laborious parochial charge to attend

to, instead of possessing a mere sinecure. From my recollection of the Act, which stands among the public Acts of the year 1824[e], it seems, that before this measure the thirteen livings averaged about £100 a year each, and that they now average about £300.

This measure thus carried into effect in a particular diocese by an Act of Parliament passed for that sole purpose, may now be adopted in any other diocese, by a beneficial statute of general application. This Act empowers the Lord Lieutenant of Ireland, with the advice of six Privy Counsellors, and the consent of the Archbishop, Bishops, and other persons interested, to *disappropriate* from any Irish Church-dignity the rectorial tithes with which it may have been endowed, and to annex them in perpetuity to the Vicarage of the parish in which they accrue. It gives a power also with the like consent to disappropriate from such dignities benefices lying at a distance,

[e] 5 Geo. IV. c. 80.

and to appropriate to them other benefices more conveniently situated[f]. Bp. Jebb, in his excellent and most satisfactory speech on the state of the Church in Ireland, has told us, that such benefices, generally speaking, form the only revenue of the Irish dignities, the Dignitaries being the incumbents of such benefices, and performing the church duty belonging to them.

I feel confident that the Deans and Chapters in England are disposed, both from professional feeling, and from a wish to fall in with the spirit of the times, to enquire accurately into the emoluments of the incumbents of those parishes, the great tithes of which they possess, and to make such additions to the endowment as the population and circumstances of the parish may render expedient. Many colleges in Oxford (and I make no doubt but that the same may be said of the sister University) have been most liberal in increasing the revenues of their Incumbents. Similar liberality, it is

[f] 7 Geo. IV. cap. 73.

probable, has been shewn by several of the Chapters of Cathedrals. They will not argue that they are not *compellable* to make such sacrifice of their own personal interest, but will feel that every consideration of professional propriety, as well as a view to the permanence of the Church property which they administer, render it expedient that such augmentations of the emoluments of their Vicarages and perpetual Curacies should be made.

The commissioners for building additional churches are already invested with most important and most salutary powers. Might they not also be invested, by Act of Parliament, with powers somewhat similar to those given, by the Act which I have mentioned, to the Lord Lieutenant of Ireland? Might they not have the power of recommending, and, with the consent of the Bishops and all parties interested, of carrying into effect, such annexations of sinecures to ill-endowed parochial benefices as I have ventured to recommend?

They have already the power of increas-

'serve six other parochial churches near 'adjoining, and wanting maintenance.'

It is very desirable that there should be a ready mode of *disuniting* benefices so constituted. When such benefice has a chapel of ease, the chapel might be endowed as a distinct benefice. Every facility should be given, by exchange of patronage, &c. to the applying of the revenues of such benefices in a manner more beneficial to the interests of the Church at large. For instance, Bampton is in the patronage of the Church of Exeter. One portionist would become the Incumbent of the town of Bampton. A second, retaining his present house, would have the spiritual charge of the chapel of ease and outlying hamlets. And the revenues of the third might be annexed to a poor benefice adjoining, in the patronage of the Dean and Chapter of Christ Church, upon their giving in exchange to the sister Cathedral the patronage of some living in Devonshire or Cornwall.

CHAP. V.

CHURCH PLURALITIES.

Objections to Pluralities—Mr. Rennell's defence of them—Walter de Cantilupe—State of the law on the subject—The law practically evaded—Purport and provision of dispensations—Remedies.

BY all those who are unfriendly to the Church of England, and by many also of those who are its warmest friends, the plurality of Church benefices with cure of souls is considered as one of its decided blots. It certainly *is* a blot in *theory;* and it is a blot also in *practice*, when carried to the extent in which in many instances it is carried in this country.

There seems at first sight to be something incongruous in the idea of the appointment of a clergyman to have the pastoral care of a flock, which, in consequence of the distance of his residence, he hardly ever sees. 'That men,' says Lord Bacon, 'should live of the flock that they do not feed, or of

the altar at which they do not serve, is a thing that hardly can receive just defence; and to exercise the office of a pastor, in matter of the word and doctrine, by deputies, is a thing not warranted[a].' There is, too, something painful in contemplating a worthy man, with a large family perhaps, and a narrow income, labouring all his life on a poor curacy, and to see young men greatly his inferiors in every pastoral qualification, stepping, almost as soon as they are ordained, into two or three well-endowed benefices, by the mere influence of family connection. The poor curate himself does not repine, nor feel the slightest emotions of envy. But those who have long witnessed his faithful discharge of his duty, and his meek acquiescence in poverty, see the *double portion* of the pluralist rather with an evil eye, and are ready to take up the impression that something must be wrong in the constitution of the Church. One of the very able defenders of the Church who were

[a] Of the Pacification of the Church.

called forth by the Durham cause in 1822, a gentleman who by the excellence of his preaching, and of his professional and personal character, still continues to adorn the Church which he thus defended, seems to admit in his excellent 'Appeal to the Gentlemen of England,' that 'the accumulation of pluralities upon young men who have nothing but connexion to recommend them is an evil which requires to be remedied. There is also an appearance of equity in saying, that the income of a benefice shall be spent in the parish—or in the immediate neighbourhood of the parish—from which it is derived.'

The indignant remonstrance of Bp. Burnet, in his valedictory address to his Church and his country, is well known. 'I do not enter into the scandalous practices of non-residence and pluralities, which are sheltered by so many colours of law among us; whereas the Church of Rome, from which we had those and many other abuses, has freed herself from this, under which we still labour, to our great and just reproach.'——'How

long, how long shall this be the peculiar disgrace of our Church, which, for ought I know, is the only Church in the world that tolerates it [b]?'

Notwithstanding this censure of Bp. Burnet, I am far from meaning to contend, that a clergyman can not with a good conscience hold a second living. Perhaps I shall be accused of adopting a lax and jesuitical casuistry, if I venture to suggest, that a man may fairly take advantage of the existing state of the law, even though he thinks the law itself, or the administration of it, capable of improvement. While the present law of pluralities continues, a clergyman may be induced to avail himself of its indulgence by many motives unconnected with personal emolument, and from an honest, and not conceited, conviction, that by so doing he shall assist the cause of religion. I am aware that such an assertion in a book on ecclesiastical reform may with some men occasion a smile, with others a sigh.

One man for instance takes a second living for

[b] History of his Own Time, Conclusion.

the sake of placing or of continuing on it as Curate, some friend, of whose pastoral zeal and ability he has conceived a high opinion. Another becomes a pluralist, from wishing to enlarge his own sphere of professional activity. A third has some scheme of benevolence to carry into effect for the advantage of his second parish, which he is thus enabled to accomplish.

The best defence of pluralities that I am acquainted with is to be found in the lively and eloquent vindication of the clergy by the lamented Mr. Rennell, one of the most zealous and active parish priests, and one of the greatest ornaments of the Church in every respect, that modern times have produced. 'There are hundreds, I may say thousands, of parishes, whose revenues are so trifling, that two together will go but a little way to support their minister. What says the Edinburgh Review upon this point? "In such a "state of endowment, all idea of rigid re-"sidence is out of the question; emolu-"ments which a footman would spurn, can "hardly be recommended to a scholar and

" a gentleman." In such cases at least pluralities are not only defensible, but they are actually necessary. But let us turn our attention to another species of plurality. Many a clergyman who lives in the active discharge of a heavy parish in a populous town, (a cure which is in general very scantily paid,) is the incumbent of another benefice in the country, with a smaller population, and a larger revenue. Upon the latter benefice, he maintains a resident Curate, and occasionally visits it himself to see that the duties are duly discharged; and with the remainder of the revenue he supports himself in his residence, on a laborious and unprofitable charge. Here, then, we have the working parish priest, and the non-resident pluralist, united in the same person; and in what respect is the religious interest of the country injured by the union? This is a more common case than you might at first imagine; both the Incumbents and the Curates of poor and populous parishes will often be found, in this sense, to be pluralists!'

'But I will now come to the most adverse case of all; where the same person shall be the Incumbent of two livings, each of a competent value. Upon one of these two he must by law reside, and upon the other he must maintain a resident Curate. In many instances the Incumbent divides his time between the two: and if, as is often the case, by the union of the revenue he can afford to keep a Curate upon both, he gives to one or the other the advantage of a double minister—an advantage which in a large and populous parish is not to be lightly estimated. It is not because an Incumbent maintains a Curate, that he is therefore himself a sinecurist. In many hundreds of parishes, and those of no extraordinary dimensions, two clergymen will find ample employment. Now this second clergyman is maintained by the means of the very plurality which you so severely condemn: for if these two livings were held by separate Incumbents, neither of them would be able to maintain an assistant minister. With respect to acts of gene-

rosity and utility, the means of the pluralist often enables him to do for both what a separate Incumbent would be able to do for neither. Many a pluralist maintains a school almost at his own expence, which a separate Incumbent could not afford. In charitable donations again, you will continually find a non-resident pluralist distributing, through the channel of his resident Curate, a sum, which if that Curate were the Incumbent, he could not be expected to spare. Pluralities then, so far from diminishing, increase the number of the resident clergy, and are often productive of more practical advantage, than, from the invidious notions attached to the term, might at first be conceived[a].'

All this, I am sensible, will have no weight with those good men, who look upon all pluralities with cure of souls as absolutely wrong in principle; who consider the revenue of a parish as being given to the Incumbent in return for his personal service,

[a] Letter to H. Brougham, Esq. p. 21, 22.

and personal residence, and that he ought in some way to restore to the parish whatever portion of its revenue he does not thus actually earn.

I do not go to so great a length; but it appears to me that pluralities are in this country carried to an extent which is wrong in itself, and which is not warranted by the spirit, not even by the letter, of the law.

Before I proceed farther, I must repeat, that I mean nothing that I say to apply to pluralities already existing. When Otho, the legate of Pope Gregory IX. in the time of Henry III. wished to enforce some measure against pluralists, he was so apprehensive of danger from the attempt, that he obtained from the king a guard of two hundred men. 'And when 'a Canon of the late council of Lateran, 'against pluralists, was read in the synod, 'Walter de Cantilupe, Bishop of Worcester, 'standing up, and pulling off his mitre, ad-'dressed the legate thus.' "Holy father," says he, "we have a great many persons of "blood and quality pluralists, who, as yet,

" have no dispensation to secure their pro-
" motions. Some of these gentlemen are
" advanced in years; have made all along a
" very creditable figure, kept open house in
" a manner for strangers, and been chari-
" table to the stretch of their fortunes. Now
" 'twould be a great hardship such men
" should be stript of their estates, and re-
" duced to poverty and contempt. On the
" other hand, some of our pluralists are
" young gentlemen of stomach and spirit,
" and are likely to run the utmost hazards,
" rather than suffer themselves to be re-
" duced to a single benefice. And to deal
" clearly, I was formerly somewhat of this
" temper myself; we entreat you therefore
" to consult his holiness upon the affair, to
" think of a temper, and not carry things
" to the utmost rigour of discipline [b]."

After, however, complying with the prudent advice of Walter de Cantilupe with respect to vested rights, I may still be permitted to repeat the assertion, that plu-

[b] Collier's Eccles. Hist. vol. i. p. 439.

ralities are in this country carried to an extent which is not warranted by the *fair interpretation* of the law.

By the statute 21 Hen. VIII. c. 13. 'If any one having a benefice of £8 *per annum*, or upwards, (according to the present valuation in the king's books,) accept any other, the first shall be adjudged void, unless he obtains a dispensation, which no one is entitled to have, but the Chaplains of the king and others therein mentioned, the brethren and the sons of Lords and Knights [c], and Doctors and Bachelors of Divinity and Law, *admitted by the Universities of this realm* [d].' 'If a clergyman, being in possession of a living under £8, takes a second without a dispensation, the first is voidable at the election of the patron. By leave of the Bishop and patron, a clergyman *may hold any number* of benefices, if they are all under £8 per annum, except the last; and then

[c] This privilege is not enjoyed by the brother and son of a Baronet, for the rank of Baronet did not then exist.

[d] Blackstone.

by a dispensation, being qualified under the statute, he may hold one more[e].'

If all parochial *benefices* were also in the strict sense of the word *livings*, if each of them furnished to its Incumbent *enough to live on*, the common sense, as well as the common law, of the case would seem to say, that a clergyman holding *one* such benefice should not take a second. 'For pluralities,—in case the number of able ministers were sufficient, and the value of benefices were sufficient,—then pluralities were in no sort tolerable[f].' The statute of Henry the Eighth evidently goes upon this principle.

But if this principle (of the sufficiency of the living) be admitted as the principle upon which the law is founded, it is a grievous practical fallacy to take the valuation in the time of Henry the Eighth as the criterion to go by. The *letter* of the law is thus set in direct opposition to its *spirit*. It is well known, that not only from the change in

[e] Clergyman's Assistant, p. 146. Oxford, 1822.
[f] Bacon, Of the Pacification of the Church.

the value of money, but from a multiplicity of other circumstances, *that* valuation furnishes of the value of benefices no criterion whatever. About the period when the statute of Henry the Eighth was passed, the price of wheat was 8*s*. the quarter, at which price it seems to have remained nearly stationary for a considerable time. The price of a quarter of wheat is now less than 56*s*. According to the law of Henry, consequently, the holding of a benefice of the value of £56 per annum would prevent the Incumbent from taking a second without a dispensation That income would evidently be very far from being a sufficient maintenance for a clergyman; but still it seems very desirable that some amount of clerical revenue should be fixed by the legislature, for the purpose of restoring this part of the constitution of the Church to its real intention. Certainly in all cases of plurality the valuation of Henry the Eighth should be absolutely discarded.

And as the spirit and intention of the statute have been completely lost sight of, so are the provisions of the dispensation

itself entirely neglected. Upon what principle the granting of dispensations to Chaplains is founded, other than the principle—(a very proper principle, generally speaking)—of adding to the honour and the influence of the Crown and the aristocracy, it may not be so easy to discover. 'For the case of Chaplains,' says Lord Bacon, 'let me speak with your Majesty's pardon, and with reverence towards the other Peers and grave persons, whose Chaplains by statutes are privileged: I should think, that the attendance which Chaplains give to your Majesty's court, and in the houses and families of their lords, were a juster reason why they should have no benefice, than why they should be qualified to have two[g].'

The attendance of Chaplains in the houses of the nobility has almost universally fallen into disuse. The appointment of Chaplains is continued, as a mere feather in the cap of the nobleman, and to the Chaplain himself, as a plea for breaking through the general re-

[g] Of the Pacification of the Church.

straint of the law, by which those who are not Chaplains are bound. Dean Prideaux, who was not only a sound ecclesiastical lawyer, but a most learned and conscientious clergyman, anticipated that the plan of Bp. Burnet, in 1689, for the restraint of pluralities would meet with great opposition in the Upper House, from the unwillingness of the Lords to see this privilege lessened[h]. But surely in the present enlightened times no such feeling would prevent the completion of a salutary measure.

In addition to these qualifications of a Chaplain, the granting of a dispensation is grounded upon the supposition of some distinguished merit, and *progress in sacred learning*, in the person who applies for it. It is notorious that in practice the merit of the applicant is left entirely out of the question. I am perfectly aware, that it would be difficult, and in most cases invidious, to bring this provision into active operation. I mention it for the purpose of shewing how widely the *theory*

[h] Life of Prideaux, p. 80.

of this part of our system differs from the *practice*. Again, a dispensation is granted on condition that the pluralist shall preach *thirteen sermons*, and reside and keep hospitality for two months on that living where he resides the least. This condition, I conceive, is not complied with in nineteen cases out of twenty. The two months' residence would in many instances involve the inconvenience of dislodging the Curate and his family; and the thirteen sermons in a parish of very small population might be a loss to the larger and more important parish. But these provisions shew the spirit and intention of this part of our ecclesiastical law.

I feel convinced, that both the credit and efficiency of the Church, and public opinion, concur in requiring that pluralities should be more effectually restrained. The remedy proposed by Dean Prideaux, in 1689, was, 'that all pluralities *for the future* should be restrained within five miles distance, measuring it by the common road from one church to another.' He drew up a Bill accordingly, which was approved of by a

meeting of the Archbishop and Bishops at Lambeth. But the Lords were so fond of their privilege of qualifying Chaplains for pluralities, that they would hearken to nothing that should diminish it; and therefore would not allow the Bill so much as to be once read in their House[i].

The principle of Dr. Prideaux's Bill agrees with that of the zealous Dr. Yates; who suggests, that no Incumbent in possession of one benefice should be permitted to hold another, unless they shall be in themselves *contiguous* to each other, or made so by an exchange of patronage or of benefice for that purpose; such exchange being effected under the sanction of His Majesty's Commissioners for the building of churches[k].

Even Bp. Burnet would allow of plurality of *poor* livings, under such circumstances. 'I do not reckon the holding poor livings that lie contiguous[l] plurality, when both

[i] Life of Prideaux.

[k] Letter on the Patronage of the Church of England.

[l] Burnet's Own Times.

are looked after, and both afford only a competent maintenance.' Lord Bacon, speaking of pluralities, says, 'the remedies in *rerum naturâ* are but three, union, permutation, and supply. *Union* of such benefices as have the living too small, and the parish not too great, and are adjacent; *permutation*, to make benefices more compatible, though men be over-ruled to some loss in changing a better for a nearer; *supply*, by stipendiary preachers, to be rewarded with some liberal stipends[m].' "Union" of parishes can seldom be desirable, unless there was some security against increase of population. "Permutation" seems to accord with Dr. Yates's suggestion. "Supply" by stipendiary preachers has been wisely provided for by the more recent statutes relating to Curates.

In the event of any fresh legislation on the subject of pluralities, the population of parishes, the contiguity or the scattered situation of the houses of their inhabitants, and

[m] Pacification of the Church.

several other circumstances, would require to be considered with the same attention and wisdom with which they were considered by the framers of the Clergy Residence Act. But the first and most important step would be, as I hinted before, the utter discarding—with respect to pluralities at least—of the valuation of Henry the Eighth.

Previously to the granting of any dispensation for holding a second living, the Bishops, in whose dioceses the livings are, should certify to the Archbishop, *not the value in the King's books*, but the real *bonâ fide* value of each living. The Bishops, with a view to augmentations, are already 'empowered and required from time to time, as they shall see occasion, &c. as well by the oath of two or more credible persons, as by all other ways and means, to inform themselves of the *clear improved yearly value* of every benefice with cure of souls, &c. &c.[n]' As they exercise this power with a view to the improvement of *small* livings,

[n] 1 Geo. I. c. 10.

they should exercise it also to prevent the heaping together of *great* livings. Would not the legislature be sufficiently liberal, if it were to enact *prospectively* that a benefice with cure of souls, the revenues of which amount to £500 per annum, (when wheat does not exceed 60*s*. the quarter,) should be absolutely exclusive of a second living? In no case should a dispensation be granted as a matter of course; but—(if it would not be thought that this suggestion would throw too painful a burden upon them)—the Bishops of the dioceses in which the livings are situated, should previously certify, not only the real value of the livings, but also whether the granting of the dispensation was, under all the circumstances of the case, desirable for the Church. In forming their opinion, they would take into consideration the circumstances of the parishes, the amount of their revenues, and also the character of the applicant. Their refusal of consent should be without appeal, and should subject them to no enquiry into the reason of such refusal. The taking of a second living

is contrary to the principle of the law, and a mere matter of indulgence, and cannot be claimed as a matter of right. The spirit and intention of the statute of Henry VIII. would be complied with, if it were enacted, that no second living should be taken, without a dispensation, where either of them exceeds the amount of £300, or 100 quarters of wheat; and that there should be no legal possibility of holding more than two.

Plurality of Prebendal stalls, which have no cure of souls attached to them, is comparatively of inferior importance. Perhaps it would be right in principle, and gratifying both to the intelligent portion of the public, and to the majority of the clergy, if some restraint were put also upon them, if there were some limitation upon the number of stalls in different Cathedrals to be held by the same individual, and if they were for the most part conferred upon the most laborious of the clergy of the diocese in which the Cathedral is situated. The permanent annexation of *secondary* stalls to ill-endowed *parochial benefices*, in the manner

which I have suggested in a former chapter, and such annexation of the *primary* and richer stalls to important and *really efficient* Church-dignities as I am now about to recommend, would remove much ground of complaint on this head, and render any legislation on the subject the less necessary.

CHAP. VI.

CHURCH DIGNITIES.

Burke's remarks upon high Church dignities—Many of the Bishops insufficiently paid—Bishops' leases and fines—Commendams—which description of Commendams most desirable—Archdeacons—Rural Deans.

I TRUST that among the educated classes of society, there are still very many, who, with respect to Church dignities, can, both from feeling and on principle, enter into, and approve of, the well-known passage of Burke. "Our provident constitution has "taken care, that those who are to instruct "presumptuous ignorance, those who are to "be censors over insolent vice, should neither "incur their contempt, nor live upon their "alms; nor will it tempt the rich to a neg-"lect of the true medicine of their minds. "For these reasons, whilst we provide first "for the poor and with a parental solicitude, "we have not relegated Religion like some-"thing we were ashamed to shew to obscure

" municipalities or rustic villages. No! we
" will have her to exalt her mitred front in
" courts and parliaments. We will have her
" mixed through the whole mass of life, and
" blended with all the classes of society. The
" people of England will shew to the haughty
" potentates of the world, and to their talking
" sophisters, that a free, a generous, an in-
" formed nation honour the high magistrates
" of the Church ;—that it will not suffer the
" insolence of wealth and titles, or any other
" species of proud pretension, to look down
" with scorn upon what they look up to with
" reverence; nor presume to trample on that
" acquired personal nobility, which they in-
" tend always to be, and which often is the
" fruit, not the reward, (for what can be the
" reward?) of learning, piety, and virtue.
" They can see, without pain or grudging, an
" Archbishop precede a Duke. They can
" see a Bishop of Durham, or a Bishop of
" Winchester, in possession of ten thousand
" pounds a year; and can not conceive why it
" is in worse hands than estates to the like
" amount in the hands of this Earl, or that

" Squire ; although it may be true, that so
" many dogs or horses are not kept by the for-
" mer, and fed with the victuals which ought
" to nourish the children of the people[a]."

The revenues enjoyed by high Church-Dignitaries are almost entirely spent, at least in their own country, much of them in the very district from which they are derived. I do not say it invidiously, but certainly the same can not be asserted of a considerable proportion of the revenues derived from property in the hands of the laity.

The instances, however, in which the incomes of Church-Dignitaries are really large, are comparatively but very few. With respect to Bishoprics, 'the income of many, I believe I may say most, of the sees is notoriously too small to maintain (not the splendour, for splendour is not sought, but) the decent respectability of a Bishop's rank and station[b].' It might be presumptuous

[a] Burke on the French Revolution, p. 153. (2d edit.)
[b] Bishop Jebb's Speech on the Church in Ireland.

to say what exact amount of income would be sufficient for this purpose; but I apprehend that most men, who are not altogether hostile to episcopacy, would agree in wishing that no Bishop had less than £4000 per annum of regular revenue.

Towards increasing such regular revenue, much might be done by adopting a different system of management with respect to the *leases* of the property attached to the several Bishoprics. I have before hinted the strong objections which may be made to the uncertain, the *gambling* system, of *fines*, in the case, not of corporations aggregate, but of individual churchmen. These objections apply with peculiar force in the case of Bishops. There is something particularly incongruous in the idea of a Bishop,—the spiritual father and pastor of his diocese,—*running his life* against the life of a lessee or the life on which the lessee holds, with a view to his own emolument; in his speculating upon the prospect of the death of one of his flock, at all events of a fellow-creature; or in his *bargaining* for the sum

to be paid on a *renewal*. The payment of a fine is generally *at the time* a grievance to the lessee, who perhaps in the majority of cases has neglected to make provision for it: and if from the change of times or other circumstances there is a demand for any increase above what was formerly paid, the conclusion of the bargain is accompanied with much ill-will towards the Church, much invective against the grasping spirit of Churchmen. Surely it is desirable that a Bishop should be relieved from having any thing to do with such bargains. As the Apostles said, "it is not meet that we should leave the word of God, and serve tables;" so it is not fitting that the attention of a Bishop should be in any degree called off from the high spiritual duties of his office, to calculate, with the care of an actuary, the probabilities of the continuance of human life, with a view to personal emolument.

'Certainty,' says Burke, 'is the life and soul ' of all good management.' A Bishop with a certain income knows how to arrange his

expenditure accordingly. If he is married, he determines upon what moderate provision he may lawfully make for his family, and spends and gives the rest with a prudent liberality. If he is unmarried, he follows the example of some of the earlier Prelates of this country, whose munificent benefactions and bequests for the interests of religion, and for the benefit of the Church and its ministers, have done much honour to their memory.

Under the system of *fines* all is uncertain. Perhaps the expectation of the fine leads one Bishop into expences which he is at last unable to liquidate. To another a large fine falls in, when he is just quitting this world; and what was intended for the decent support of one of the high officers of religion, goes to purposes altogether secular. A third, perhaps, is tempted, from regard for his own family, to make such arrangements with respect to leases and renewals, as (to adopt the language of Charles the First) "almost undo his successor." A periodical publication, zealously attached to the Established Church, says, "We have learned "that a Bishop lately deceased, in igno- "rance of the law no doubt, received to his "own use £5000 per annum, for two or "three years from the sale of timber." This money, if not wanted for repairs of the episcopal palace,—or possibly of the cathedral,—should have been applied to the permanent improvement of the Bishopric; or, if such increase was not necessary, in some other manner to the benefit of the Church. It appears to be clear, that a Bishop can not legally cut down timber, excepting for repairs [c].

All these evils would be remedied, if *for the future* (for I always make a saving for *vested* interests) all the landed-property annexed to any Bishopric were to be administered by the Chapter of the Cathedral, assisted by the Chancellor of the diocese.

[c] Christian Remembrancer, Feb. 1828. In which and the following number are two very useful papers on the right of ecclesiastical corporations, both sole and aggregate, to cut timber, and on the right to minerals.

This administration of the property of the see appears to have been one of the duties for the discharge of which Deans and Chapters were constituted and continued. The sooner fines are got rid of the better. In many cases I should think that much might be done, *even immediately*, with the consent of the Bishop interested, by authorizing an amicable arrangement with the lessee, by which the probable amount of the fines (to be estimated with the assistance of some able actuary) should be *distributed*, so as to form an increase of annual rent, either for the actual remainder of the term, whatever it might be, or for a fresh term of twenty-one years. In the event of the continuance of fines, in consequence of the failure of such an arrangement as I have suggested, the Chapter (as administrators of the revenues of the see) should receive the fine, and apply it to the *permanent increase* of the Episcopal revenue.

Until the revenues of Bishoprics, by such management of the property annexed to them, are augmented to an amount in some

degree adequate to the dignity, they, to adopt the words of Lord Bacon, are 'enforced to be supplied by toleration of *commendams*, *things of themselves unfit*, and ever held of no good report[b].' Most men will agree with this high authority, that *commendams* are in themselves unfit, and only to be excused by necessity. Bp. Jebb, in his invaluable speech on the state of the Church in Ireland, exults in the freedom of that country from *commendams*, with respect to which he appears to agree in opinion with Lord Bacon. Bp. Watson speaks of the holding of *commendams* as a practice 'which 'bears hard upon the rights and expectations 'of the rest of the clergy, which exposes the 'Bishops to much obloquy, and which cer-'tainly had better not subsist in the Church.'

Commendams however must for a long series of years be continued; and with a view to that certainty of income of which I have spoken, with a view too to certainty of

[b] Of the Pacification of the Church.

duty, and to many other circumstances, it is important that some certain commendams should be *permanently annexed* to certain Bishoprics, until such time as the proper revenues of such Bishoprics shall be sufficiently augmented. We have already many instances of the annexation of comparative sinecures to efficient offices. Such were the annexations of Canonries in Christ Church to the Oxford Regius Professors of Divinity and Hebrew, of a stall at Worcester to the Margaret Professorship, of a stall at Rochester to the Provostship of Oriel, and at Gloucester to the Master of Pembroke.

It is obviously important that the commendams to be annexed to Bishoprics should be such as will least interfere with the duties of the Bishop, and will be most in unison with the general spirit and constitution of our hierarchy. No commendam, with even the slightest degree of duty or of residence *properly* belonging to it, ought to be held by a Bishop, excepting in his own diocese, or at the seat of government, where, as a lord of

Parliament, and for the sake of many important duties, he is called upon, occasionally, to reside.

It was probably on this account that the Deanery of Westminster was for so long a succession of years annexed to the poor Bishopric of Rochester; an annexation which at some future period I should hope might be again made, and *so made*, as never again to be dissevered until the *regular* revenues of the Bishopric (if ever that may be) shall amount to £4000 a year. Thus has the Deanery of St. Paul's in three successive instances been annexed to the Bishopric of Llandaff, an annexation which perhaps ought to be made *permanent*, and not left to the mere will of any future prime minister. It might be well if the stalls at St. Paul's and at Westminster, now held in commendam by the Bishops of Chichester and Exeter, were *permanently* annexed to those sees; and if similar annexations were made of stalls in those Cathedrals to the Bishoprics of Norwich, Gloucester, and Bristol. The annexation of the living of

Almondsbury to the last-mentioned Bishopric, reflected much credit on the Archbishop of Canterbury, by whom it was made; but, certainly, a parochial benefice with cure of souls *in another diocese* is of all kinds of commendam the most objectionable. It is 'an arrangement obviously at war with strict clerical residence, and unfriendly to uniformity of parochial discipline[c].' Every body rejoiced when, as a tribute of gratitude and respect to one of the most upright and successful Prime-ministers this country ever had, the rich Deanery of Durham was given to his relation, the amiable Bishop of St. David's. But the mere inspection of the map—the extent of the diocese of St. David's, and the distance of Abergwilly from Durham—would lead us to say, that on general principles such an arrangement is not desirable. The large diocese of St. David's might of itself furnish ample employment to its Bishop for the whole period that Parliament is not sitting,

[c] Bp. Jebb.

but the canon requires that a Dean should be resident on his Deanery ninety days; and of all Deaneries, that which is so magnificently endowed, ought not to be despoiled of its full measure of duty and residence. The same objections (the same in kind, though not in degree) apply to the holding of the Deanery of Wells together with the Bishopric of Litchfield and Coventry.

Instead of *commendams*, thus inconvenient, and, I must say, *unconstitutional*, it seems that there would be no real objection (though the suggestion may at first sight appear rather startling) to the *divesting*, by Act of Parliament at the recommendation of the Crown, from any future Bishop of Durham, the patronage of four of the stalls in that Cathedral, and annexing them—discharged of all obligation to residence, and all duties of every description—to the Bishoprics of Carlisle, Chester, Litchfield and Coventry, and St. David's. The Bishopric of Durham, though despoiled of such portion of its patronage, would still be nearly the

most splendid piece of preferment which can be conferred on a subject, and the eight remaining Prebendaries might be sufficient to discharge the duties of the Cathedral. If the four Prebendal houses, which would thus become vacant, were converted into a College, in which young men, destined for orders in the northern dioceses, might, under the superintendence of the Dean and Chapter, devote themselves to the peculiar studies of their future profession, the measure would be most beneficial. It is well known that such theological seminaries are advantageously connected with many Cathedrals on the continent.

While, by such an annexation of comparative sinecures, I would increase the fixed income of the *smaller* Bishoprics, I would add to the labours of *all* the Bishops, by putting an end, as soon as possible, to all *peculiar* jurisdictions. The present pious and learned Dean of Salisbury, for instance, has on his visitation to make a circuit almost as extensive as that of the Bishop himself. Peculiars obviously militate against

all uniformity of government and discipline. The Legislature has, in several enactments more or less recent, very wisely discountenanced them; and there appears to be no valid objection against providing that those churches which are now *peculiars* shall become subject to the regular Episcopal and Archidiaconal jurisdiction, upon the death or cession of the Dignitaries to which they are attached; or, with the concurrence of such Dignitaries, the measure might be carried into effect without delay.

Archdeacons.

In our English hierarchy the Archdeacons appear to rank next to the Bishops, with regard to extent of jurisdiction, to the general importance of their office, and to its bearing upon the efficiency of the clergy, and upon the decent maintenance of all things dedicated to the service of religion. Into the original appointment of these high Church officers, it is not my object to enquire. Its utility is obvious. The duty of the Bishop is, to *oversee* in his diocese every

thing connected with religion and its ministers. But as, from the extent of his diocese, from his necessary attendance as a Lord of Parliament, and often, it may be, from age and infirmity, the Bishop can not always *oversee* these matters in person, the Archdeacon—who in the Canon law is termed *the eye of the Bishop*—assists him in exercising the superintendence belonging to his office. To facilitate this superintendence, the larger dioceses are, for the most part, divided into two or more Archdeaconries, commensurate in the majority of cases with the several counties of which the dioceses are constituted. In each of these districts the Archdeacon fills the place of the ancient *Chorepiscopus*. His office is, to inspect the general conduct of the clergy; and particularly to see that the parochial churches, and all things belonging to them, are maintained in a proper state of repair and neatness. With a view to this latter object, the 86th Canon provides, that every Archdeacon shall "survey the churches of "his jurisdiction once in every three years,

"in his own person, or cause the same to "be done."

The several branches of this high office, indeed the very intention with which it was originally constituted, seem to render it desirable that the Archdeacon should *reside* in his Archdeaconry. I say this on general principles only, and with reference to what our ecclesiastical system *ought* to be. There are many Archdeacons acquitting themselves as exemplary and zealous parish priests, at a distance from their respective Archdeaconries, but at all times ready and anxious to fulfil any of the duties of their office which may require their attention, entering warmly into every rational project for the advancement of sound religion within the limits of their jurisdiction, and feeling attached by a sacred bond of union to the clergy over whom they preside. In *theory*, however, it can hardly be denied, that the high officer, who is appointed to supply the *absence* of the Bishop, ought not to be himself *absent;* that the constant duty of inspection and superintendence, which his office implies, can not be so

effectually exercised when he resides at a considerable distance from the scene of his official duties. It accordingly was one of the provisions of the ecclesiastical code compiled by the Commissioners of Edward the Sixth, that Archdeacons should reside in their Archdeaconries.

Such residence, perhaps, cannot reasonably be expected, until Archdeaconries are more liberally endowed. I apprehend, that at present there is no ecclesiastical office, the endowment of which is, generally speaking, more inadequate to the duties and the dignity attached to it. My impression,—(an impression formed, it may be, on no very sufficient foundation,)—my impression is, that the Archdeaconries in England do not average £150 per annum. Such a pittance certainly bears no proportion whatever either to the dignity itself, or to the various and important duties which belong to it. This evil would be remedied, if the Crown and the Bishops were to concur in permanently annexing to each Archdeaconry a *primary* stall in the

Cathedral of the diocese, and also one of the best endowed parochial benefices in the Archdeaconry, in the patronage either of the Crown or of the Bishop. It might be desirable, that such benefice should be situated either towards *the centre* of the Archdeaconry, or in one of the towns in which the Visitations are usually holden. Statutable residence on such benefice would of course be required.

I can not but feel persuaded that such endowment of Archdeaconries would take place, if any leading member of his Majesty's government, or if any of those Prelates who from their talents, their learning, and their integrity, justly have such weight in the great councils of the nation, were ever to take the subject into their serious consideration.

Rural Deans.

Where Archdeacons are prevented, either by the distance of their usual residence, by the smallness of their income, or by infirmity, from complying in person with the

canon which requires the visitation of every church subject to their jurisdiction once in three years, such failure of personal superintendence, *in some degree*, may be supplied by the appointment of *Rural Deans*.

'The office of Rural Deans was not unknown to our Saxon ancestors[a].' But 'by the prescription and power of the Archdeacons and their officials, it happened, that in the next age before the reformation of our Church, the jurisdiction of Rural Deans in this island declined almost to nothing. And at the Reformation, in the public acts of the reformers no order was taken for the restoration of this part of the government of the Church. In the Reformatio Legum this was provided for, but fell to the ground for want of confirmation by the legislative power.' 'The little remains of this dignity and jurisdiction depend now on the customs of places, and the pleasure of diocesans[b].'

[a] Burn's Ecclesiastical Law.

[b] Burn.

In several dioceses in England Rural Deans have for many years been appointed. In others they have been more recently established. In some dioceses all the beneficed clergy take the office in annual rotation; in others, those originally appointed by the Bishop continue, seemingly, so long as they remain in the diocese.

The account of Rural Deans in Ireland given by Bp. Jebb is, for the most part, applicable to those officers in England. "Of this body," says that exemplary and eloquent Prelate, "we have heard much. "They have been repeatedly brought for- "ward as contributing to swell the pomp "and dignity of the episcopal retinue, as "drawing large revenues from the oppressed "population, as constituting one great divi- "sion of the enormous staff of the Church. "Now what in reality are these portentous "Rural Deans? They are simply six or "eight of the parochial clergy in each dio- "cese, selected on account of their good "character, or appointed in rotation, to dis- "charge the laborious, invidious, and un-

" paid duty, of visiting and reporting upon
" every parish in their respective districts.
" Every year, previously to the Bishop's
" visitation, and at as many other times as
" the Bishop may require, they inspect the
" glebes and glebe-houses, the church-yards
" and churches, the vestments, the books,
" the communion plate and linen, and all
" things requisite for the decent celebration
" of divine service. On all these particu-
" lars they make a special report, &c. &c.
" Their office is attended with much labour,
" much travelling, sometimes no trivial ex-
" pense,—without any other recompense
" whatever, than the consciousness of being
" usefully employed[f]."

Perhaps it might be desirable to give these officers somewhat more of a legal existence, and to establish them on a more uniform system throughout all the dioceses in England.

[f] Bp. Jebb's speech on the state of the Church in Ireland.

CHAP. VII.

CHURCH SERVICE.

Excellence of the Liturgy—Alterations suggested—Damnatory clauses—" Most religious King"—Proper Lessons—Length of the service.

IT has been with hesitation,—(hesitation arising, not from any doubt respecting the utility of the measure which I recommend, but from my sense of the ungracious nature of the task which I have undertaken;)—it has been with hesitation and diffidence that I have ventured to offer the suggestions contained in the preceding chapters. But it is with awe and reverence that I presume to hint at any alteration, however trifling, in our beautiful and scriptural Liturgy. That Liturgy approves itself to my unbiassed judgment, and is the object of my sincere admiration, of my warm attachment. I can entirely enter into, and participate in, the feelings, with which the eloquent defender of authorized and set forms of Liturgy,

when the use of our Prayer Book was forbidden, "called to mind the pleasures of "the temple, the order of her services, the "beauty of her buildings, the sweetness of "her songs, the decency of her ministra-"tion[a]." I can honestly assent to the panegyric of Comber, and say of our Liturgy, that it "is so judiciously contrived, that the "wisest may exercise at once their know-"ledge and devotion; and yet so plain, "that the most ignorant may pray with "understanding; so full, that nothing is "omitted which is fit to be asked in public; "and so particular, that it compriseth "most things which we would ask in pri-"vate; and yet so short, as not to tire any "that hath true devotion; its doctrine is "pure and primitive; its ceremonies so few "and innocent, that most of the Christian "world agree in them."

I am aware too, that here especially, we must be on our guard against unsettling the minds of the people; and that if any thing should be done, tending to weaken their

[a] Bp. Taylor.

attachment to that Liturgy to which they have been so long accustomed, it might lead them to cast off their regard for public worship altogether. Still, with this impression full upon my mind, there are two little alterations, which I am very anxious to see take place; and a more extensive alteration, which I could wish to see *prepared*, and left quietly to work its own way, without making any sudden or forcible attack upon the feelings or prejudices of the people.

The immediate alterations which I contemplate are so trifling, that, at least one of them might almost be carried into effect by the same authority, which, in the prayer for the Parliament, substituted the word "dominions" for "kingdoms."

The most important of the changes to which I allude is the *total removal* from the Athanasian Creed of the two harshest of those clauses which are commonly called the *damnatory clauses*, the *second*, that is, and the *concluding* clause.

I am far from meaning to contend, that these clauses are not strictly defensible. Abp.

Secker, one of the most learned, most sensible, and most conscientious, of our modern theological writers, says, "the condemnation contained in two or three clauses of "this Creed belongs, as the most zealous "defenders of our faith in the Holy Trinity "agree, and as every one, who reads it "considerately, will soon perceive, not to "all, who cannot understand, or cannot "approve every expression in it; but only "to such as deny in general the Trinity in "Unity, or three Persons in one Godhead. "This alone is said to be the Catholic faith. "The words that follow after are designed "only to set this forth more particularly[a]."

The same view of these clauses is taken by Wheatley, by Waterland, by Archbishop Synge, by Archdeacon Dodwell, by Dean Tucker, by Bishop Tomline, and by most of those who have written on the Creed. In this view, the damnatory clauses may be taken as nearly synonymous with the words of our Saviour, "He that believeth not shall "be damned;" which awful denunciation

[a] Secker's Sermons.

may, from the comparison of the two Evangelists, St. Matthew and St. Mark, be fairly taken in connexion with his charge to baptize in the name—(and in the faith)—of the Father, and of the Son, and of the Holy Ghost.

All our writers, too, acknowledge, that these clauses are to be interpreted consistently with making every reasonable allowance for involuntary ignorance, and invincible prejudice. Some thirty years ago, I remember hearing one of the best and most learned of our Prelates[b] preach an able sermon,—a sermon which he afterwards printed,—for the purpose of shewing that these obnoxious clauses were not only defensible, but that they ought to be regarded as a kind and charitable warning, against the danger of taking up erroneous opinions upon the important doctrines, which constitute the principal subject of the Creed.

Notwithstanding what has been so ably urged by this excellent Prelate, I still most devoutly wish that the two clauses to which I allude were altogether expunged from the

[b] Bp. Cleaver.

Creed. The clauses still to be retained,—the first, for instance, and the twenty-seventh and twenty-eighth—would sufficiently assert the necessity of holding and maintaining the true Christian faith.

It is asserted by some writers, that the commissioners of review appointed in the beginning of the reign of William the Third proposed, on account of these damnatory clauses, to discontinue the public use of the Creed itself[c]. I am no advocate for such discontinuance, though I think it would be desirable to confine the public use of the Creed to the three high festivals of Christmas, Easter, and Whitsunday. The Creed appears to give an excellent statement of the scriptural doctrines of the Trinity and Incarnation, as those doctrines were held by the universal Church with very few exceptions for many centuries, and as they are still maintained by an immense majority of those, who profess and call themselves Christians. The particularity and attempt

[c] A different account of their intention is given in Birch's Life of Tillotson.

at something like logical precision, in the statement of these high and mysterious doctrines, were rendered necessary by the various heresies, which from time to time sprang up to disturb the peace of the Church, and to perplex the faith of its members. But though the removal of the Creed itself from our public service might be dangerous, yet the total expunging of the two clauses which I have mentioned, would, I am sure, increase and strengthen the attachment to the Church of almost all her friends, and lessen the hostility of her enemies. I am convinced that the harsh complexion of those two clauses has acted with a *repulsive* force, and has been unfavourable to the acceptation of the doctrines themselves, which they were intended to guard. I am satisfied that those clauses have materially contributed towards keeping back from the ministry of the Church many men, who would have adorned it by their character and by their talents; that they are seldom pronounced, when they occur in the public services, without a secret *revulsion* in both

minister and people, and that they are a burden on the consciences of very many of those young men, who in our Universities are called upon to subscribe to the Prayer Book and Thirty-nine Articles. "A tender "conscience, of all things, ought to be ten- "derly handled; for if you do not, you "injure not only the conscience, but the "whole moral frame and constitution is "injured, recurring at times to remorse, "and seeking refuge only in making the "conscience callous [b]."

And why should these harsh-sounding clauses not be expunged? They form no part of the Creed; and the Creed itself, excellent as it is, has no claim to any thing of a sacred character, but is avowedly a mere human composition, the work of an uncertain author.

It has been repeatedly asserted in print, that our late revered Monarch shewed a marked dislike to the public use of the Athanasian Creed. This dislike must have been occasioned by the *damnatory clauses*,

[b] Burke.

for to the doctrines of the Church that excellent prince was cordially attached. The wishes of no man however exalted in character and in rank, the wishes of no congregation however numerous or enlightened, can in the slightest degree justify a clergyman in the *wilful* omission of this Creed, on those days on which the rubric directs it to be used. He has no more right to omit the Creed of St. Athanasius than he has to omit the Apostles' Creed or any other part of the Church Service. But the *absolute expunging* of these clauses would, I think, be most satisfactory to at least ninety-nine in a hundred, both of clergy and of laity; and, if it can not be effected,—as probably it can not,—without the authority of the Convocation, it would alone furnish abundant reason, even if no other reason existed, why the Convocation should be allowed to sit.

The other alteration which I wish to see effected is the omission of the words, "most religious"—("most religious king")—in the prayer for the Parliament. I speak of

course merely on general grounds, and without the most remote idea of any particular reference. The objection to this expression I will give in the words of a pious layman[a], who, more than fifty years ago, gave to the public a very useful commentary on the Liturgy[b]. "There is one expression in "this prayer, which has been objected to; "and, I truly think, not without reason. "It is, the application of the words, "most "religious and gracious," to the ruling "prince: titles which belong to no man "but in a restrained and limited sense, and "can in no sense be properly given to a "wicked man, be his station ever so ex-"alted. To obey and pray for a bad prince "is certainly our duty; but to flatter him, "and much more to ascribe such titles of "praise to him in our addresses to the "throne of grace, is surely very unwarrant-"able. However, this objection to the "prayer under consideration no way con-"cerns us at present, since (blessed be God)

[a] Waldo. [b] In 1772.

"we may use it without any scruple, and "with the strictest propriety."

The clergy, and men of education in general, use these and the like expressions as mere words of courtesy and respect, in the same manner as the terms, "most excellent," "most noble," and "most worthy," are used by the Evangelist and the Apostle in the New Testament; or in the same manner as Daniel addressed the Median monarch with the words, "O king, live for ever." Or they consider them as applying to the office and dignity of king, and not to the particular individual invested with it. The plain uneducated men however who constitute the bulk of our congregations, especially in the country, are not accustomed to this conventional use of language. They take words to mean literally what they express; and are apt to look upon the expression to which I have alluded as a species of flattery, or of servility, which ought not to be used in an address to the God of truth, the King of kings and Lord

of lords. It has, I am convinced, been injurious to the Church and to its ministers.

The trifling alterations which I have last suggested, might probably be made by the same authority which altered the word "kingdoms" into "dominions." There would perhaps be the less objection to the change, because the prayer in which the word occurs does not form part of our original Liturgy, but was added after the Restoration. As humility is one of the leading moral graces of our religion, a king really "most religious" may naturally be anxious to get rid of an expression not entirely consistent with that excellent quality.

It was the intention of the Commissioners for reviewing the Liturgy in 1689, to omit in the prayers this and the like expressions, and to use only the words "our king" or "our sovereign."

It would, I think, be a material improvement in our Church Service,—(and such an improvement might be perhaps carried into effect quietly and by degrees,)—if some

alterations were made in the Proper Lessons for Sundays.

In saying this, I speak the sentiments of very many able men, who, while writing in defence of our establishment in general, have admitted that some alterations were expedient.

I am most ready to acknowledge, that every book and every chapter of the holy Scriptures was most perfectly adapted to answer the end for which it was written; but surely it is no disparagement of the sacred volume to say, that some parts are more calculated than others to promote the edification of a Christian congregation. Something too, perhaps, might be conceded to modern feelings and refinements, with respect to certain expressions and passages, which it is painful to read, or to hear read, aloud [a]. This also was one of the alterations

[a] May I with all diffidence suggest, whether, for *reading aloud* in a mixed congregation, consisting of persons of both sexes, of every variety of age and degree of education, some of the Proper Lessons for the Sun-

contemplated by the pious and judicious men, who took the lead among the Commissioners in 1689.

The Scriptures operate, not as a charm, but through the medium of the understanding, and cannot be supposed to promote edification where the understanding is entirely at a loss. The interpretation of many parts of the Scriptures, of the prophetical writings more especially, still continues to furnish ample employment to men of the most profound and most acute intellect, who come to the task furnished with the knowledge of the ancient languages and customs of the East, and with all the stores of theological learning. But few of those who form our congregations, can be expected to derive much edification, from merely *hearing*

days in Lent are *the most desirable* that could be selected? Do not the following chapters, Deut. vii. viii. ix. xii. and xiii. relate so especially to the people of the Jews, as to make it possible that other chapters more edifying to a Christian congregation might be selected instead of them? Perhaps the same might be hinted of Jer. v. and xxii.

read several of the Proper Lessons taken from the writings of the Prophets, couched as they often are in mysterious language, and clothed in the bold and lofty figures of Eastern poetry. I am very sensible, that the Scriptures, speaking generally, "were "written for our learning, and that they are "profitable for correction, and reproof, and in-"struction in righteousness;" but still it may be allowed, that some parts are more useful, more fit to be *read aloud*, than others. Surely it is not inconsistent with the deepest reverence for these writings, and with the most entire conviction that they were perfectly adapted to the objects for which they were written, and that the interpretation of them still furnishes a most useful employment to the learned, if I venture to suggest, that there are particular chapters, from the *reading aloud* of which an immense majority of the persons who constitute our congregations can hardly derive a single useful idea, while they perhaps furnish occasion to the scoffer and profane[a]. I am almost afraid to

[a] See for instance Ezek. ii. xiii. xx. and xxiv.

particularize; but I would ask any candid and intelligent man, whether this is not the case with several of the Sunday Proper Lessons. I am advocating no sudden, no violent or compulsory change. I merely wish that in some instances a fresh selection could be made *by authority*, and that a discretion—a discretion always to be sanctioned by the Bishop of the diocese—should be given to make use of such selection.

It appears from the declaration prefixed to the second book of Homilies, that a wider discretion than this was deemed by the rulers of the Church not only lawful, but desirable. *Subsequently* to the putting forth of this declaration, an alteration in the Proper Lessons was made by Abp. Parker, and the present course of them established. Speaking of the Lessons selected from the Old Testament for Sundays, Mr. Rennell says, "for the "sake of two or three verses, a chapter, "otherwise of little interest, is often se- "lected. The framers of this selection did "not anticipate the time, when the church "would be attended only on Sundays, other-

"wise perhaps they would have selected "chapters of a more striking order, and of "more general interest[c]."

Whether it would be desirable to have for Sundays a selection also of Lessons from the New Testament, and a selection of Proper Psalms, is a question upon which I will not now enter.

The "*longsomeness*" of the Church service, and the repetitions in it, constituted the ground of another of the objections made by the millenary petitioners, in the time of James the First; an objection which is still frequently felt by men who are zealous friends to the Church, and warm admirers of her Liturgy. On this subject Mr. Rennell[d] reminds us, that the Morning Prayer of our Church "is made up of three distinct "services, which were originally intended "to be performed at three distinct times; "the union of which has caused the repe- "tition, of which some men complain." Since the three distinct services are now seldom

[c] Letter to Mr. Brougham, p. 76. [d] Ibid.

performed at distinct times, Mr. Rennell's remark seems to suggest that it might be very desirable that *one* abridged service for Sunday morning should be constructed out of the three. The present Morning Service, especially when followed, as it usually is, by a Sermon, still more when followed by the administration of the Lord's Supper, is certainly too long, both in a moral and in a physical point of view. It is too long for the keeping up of a proper degree of attention and devotional feeling. It is too long *physically*, inasmuch as to the very old, the very young, and to those who labour under any want of health, it often occasions a painful weariness.

Each of the three services is complete in itself, comprising confession of unworthiness, prayer and supplication, profession of faith, intercession, and praise, and thanksgiving. A service for Sunday morning might be formed from the three, retaining all that assists devotion, all that promotes the honour of Him who is the object of all worship, all that contributes to the edification

of the people; omitting only what is superfluous, and what savours of needless repetition. In my own church on most Sundays in the year the Lord's Prayer is used aloud nine or ten times. I have not forgotten Paley's defence of repetition in prayer, but surely, when carried to such an extent, it can hardly be thought desirable. The *repetition* of a profession of faith,—the recital, for instance, both of the Apostles' Creed and of the Nicene Creed,—in what is practically *one* public service, can not be deemed necessary.

I wish to see a morning service arranged by authority, and the use of it not *enjoined*—not at first perhaps even *permitted*—generally in *parish* churches, but permitted in the chapels of Colleges, and on all occasions on which the Liturgy is used, *excepting in parish churches*. Very soon I would permit and encourage the use of such abridged service in parish churches also, on those days when the Lord's Supper is administered, and on week days, when there happens to be divine service. And by degrees the use of it might

be permitted generally, in all cases in which the Bishop of the diocese should see fit to sanction it. The present race of Incumbents should not be *required* to make any change, but they might be permitted to adopt it, upon finding that it would be acceptable to their parishioners. Generally perhaps the best time for its adoption would be upon the appointment of a new Incumbent.

CHAP. VIII.

CHURCH OFFICES.

Excellence of the Occasional Offices—Culpable diversity of practice in administering them—Remedies suggested—Alterations in the offices for Baptism—Matrimony—Burial of the dead.

THE Occasional Offices of our Church are beautiful in themselves, and excellently calculated to excite and to strengthen devotional feelings. Well would it be for many, which appear now to regard and to treat them as mere ecclesiastical ceremonies, compliance with which is required by custom alone, if they could be induced to give them the serious attention which they deserve, and to find in them fitting exercise both for the intellectual powers of the mind, and for the best affections of the heart.

Instructive, however, and edifying as these Offices are, some correction and reform appears to be desirable, both in the

offices themselves, and in the manner in which they are administered.

I will first offer a few remarks upon the latter point, the manner in which these offices are administered.

It will hardly be denied that *in theory, uniformity of practice, regulated by competent authority*, ought to be the pervading—the ruling—principle of all the public ministrations of the Church. In order to ensure such uniformity, the Church gives in her *rubrics* minute and particular directions respecting the manner in which these offices are to be performed, and her ministers appear to be bound to observe these directions by a formal and solemn engagement. When about to be admitted into the ministry, the candidate for orders not only professes his general approbation of the Prayer Book by law established, but declares that he himself will use the form in the said book prescribed, in public prayer and administration of the sacraments, *and none other*.

This declaration is repeated—upon taking

priests' orders,—upon institution to a benefice,—and upon what is called *reading in*, in the presence of the congregation. Accordingly Archdeacon Sharpe, near the commencement of his book on the Rubrics and Canons, says, "We may affirm in general, "that we are under higher obligations to "observe the rubric, than any other eccle- "siastical law whatsoever; that, excepting "a very few cases, or under some necessary "limitations and reservations, we are bound "to adhere to it literally, punctually, and "perpetually: and that whosoever among "the clergy either adds to it, or diminishes "from it, or useth any other rule instead of "it, as he is in the eye of the law so far a "*non-conformist*, so it behoves him to con- "sider with himself, whether, in point of "conscience, he be not a breaker of his "word and his trust, and an eluder of his "engagements to the Church[a]."

This being the case, a clergyman ought not to be considered as needlessly precise or

[a] Sharpe on the Rubric, p. 8.

rigid, if he feels himself bound in conscience to adhere to the rubric, so far as is fairly practicable. Such conscientious adherence to his repeated and solemn engagements, may however often expose him to a certain degree of ill-will from some of the more opulent of his parishioners, may perhaps even induce some of them to desert his ministry altogether. They probably feel themselves justified in thus resenting the refusal of their regular pastor to neglect the rules of the Church, in compliance with their wishes, by the very different line of conduct adopted by many of his brother clergymen. That great laxity, great diversity of practice, prevails in the manner of performing the Occasional Offices of the Church, and consequently great neglect of the rubric, is notorious. In populous parishes in the metropolis and other large towns—perhaps in populous parishes generally—a close adherence to the rubric would in many instances be attended with so much inconvenience both to the clergyman and to his congregation, that it becomes morally

impossible. This occasioned a relaxation in practice of the strict rules of the Church, a relaxation which, from compliance with the wish of parishioners, from love of ease, or mere want of reflexion, has been carried into many parishes, where sufficient cause for it did by no means exist. It is possible too that some of our Bishops, when called upon by the wishes of distinguished friends to perform some one or other of the Occasional Offices, may have fallen into disregard of the rubric, and thus *in appearance* given a sanction to such disregard in others. The consequences of this too prevalent remissness are often very painful to the conscientious clergyman, who feels himself bound both by his ordination-engagements, and by respect for the laws both of Church and State,—(the rubrics are part of the *statute law* of the land,)—to refuse to be guilty of the like irregularity.

A few instances may be given in illustration of what I have said.

The Office for Public Baptism is directed by the Church to be used AT THE FONT,—IN

TIME OF DIVINE SERVICE,—immediately after the second Lesson. The whole Office evidently supposes the congregation to be present. A rubric also *recommends*, "that Baptism should not be administered but upon Sundays and other Holy-days, when the most number of the people come together." *This* rubric allows of some discretion, some variation of practice. That first quoted, seems to admit of none whatever. A considerable number—perhaps the majority—of the clergy, are in the habit of using this Office, *not* in the time of divine service, with hardly any congregation present but the attendants on the infant. Some even use the Office for Public Baptism in a private room.

It may be said that strict adherence to the rubric would in populous parishes be impracticable. This may be the case. In the principal church in my own parish, the Office is used, it may be, on three Sundays out of four. It occasions, perhaps, an inconvenient break in the service, and is, I doubt not, wearisome and irksome to many

who attend it. I wish that a discretion were given to the clergy, or at least to their diocesans. At present no discretion appears to be given either to the clergy or to the Bishop. The rule of the Church is clear and express.

Thus again, the Office for Private Baptism appears to be intended to be used only in cases of *real danger*, where a "need shall compel it," where there is a "present exigence." If, while one clergyman feels bound in this instance to comply with the directions of the Church, and a neighbouring clergyman is known to use the office whenever he is applied to, the former is in danger of losing some portion of the good-will of his parishioners, and has it less in his power to be useful to them.

The *Thanksgiving of Women after Childbirth, commonly called the Churching of Women,* is prefaced with a rubric directing the woman to "come *into the Church* decently "apparelled, and there to kneel down in "some convenient place as hath been ac-"customed, or as the ordinary shall direct."

The whole spirit and intention of the Office seems to require that it should be in public: "I will pay my vows now in the presence "of all his people, in the courts of the "Lord's house." The being churched at home is a practical solecism, a contradiction in terms. "How great," says Wheatley, "is the absurdity which some would intro- "duce, of stifling their acknowledgments "in private houses, and of giving thanks "for their recovery and enlargement in no "other place than that of their confinement "and restraint! A practice which is incon- "sistent with the very name of this Office, "which is called the Churching of Women, "and which, consequently implies a ridi- "culous solecism of being churched at home. "Nor is it any thing more consistent with "the end and devotions prescribed by this "Office, than it is with the name of it. "For with what decency or propriety can "the woman pretend to pay her vows in "the presence of all God's people, in "the courts of the Lord's house, when "she is only assuming state in a bed-

"chamber or parlour, and perhaps only "accompanied by her nurse[a]!" The force of these observations can hardly be denied; but yet I believe that some clergymen allow themselves to fall into the practice thus reprobated by Wheatley.

So again, it is said, that many clergymen are in the habit of omitting several parts of the *Marriage Service*,—the prefatory address, for instance, the concluding exhortation, and several of the prayers which occur after the nuptial benediction. By such omission, they seem to act in direct contradiction to their ordination engagements. The only descretion *really* allowed, extends to the omission of a single prayer under particular circumstances, and to the leaving out of the concluding exhortation, when there is a sermon on the duties of married persons.

The evils which result from this diversity of practice, are by no means light and inconsiderable. The conscientious clergyman, who feels himself obliged not to depart from the express rules of the Church, is some-

[a] Wheatley on the Common Prayer.

times stigmatized, as a man who sets himself up in opposition to the wishes and convenience of his parishioners, and to the practice of his more liberal and indulgent brother clergymen. A spirit of hostility and malevolence, most dangerous to the salvation of him who admits it into his bosom, is sometimes engendered. Perhaps it occasions a decided separation from the Church, at least from the ministry of the regular pastor.

Much might be done to obviate these evils, if all the Prelates of our Church would concur in requiring compliance with the rubric, in all cases in which such compliance is not attended with great and manifest inconvenience. It is also desirable, that in certain cases a power of dispensing with the rubrics should be given to the Bishops. At present they have no such power. 'In all 'doubtful matters indeed, "the parties that 'so doubt or diversly take any thing, shall 'always resort to the Bishop of the diocese, 'who by his discretion shall take order for 'the quieting and appeasing the same." But 'then this authority is given to the Bishop

'with the special condition, "that the same 'order be not contrary to any thing con-'tained in the Book of Common Prayer[b]." 'Whence it appears, as a learned ritualist[c] 'hath well observed, "that in all points, 'where the rubrics are plain and express, 'the ordinary has no authority to release 'any minister from that obedience which he 'owes the Church, in what she commands 'in her rubrics;" and that in such points 'he is as much prohibited from making 'innovations as the meanest parochial min-'ister[d].'

Having offered these general observations upon the diversity of practice, which prevails with respect to the manner of performing the Occasional Offices of our Church; I shall now suggest a few alterations in the Offices themselves, alterations which would

[b] Preface concerning the Service of the Church.

[c] Archdeacon Sharp.

[d] Bp. Mant's Charge to the Clergy of Killaloe in 1822, in which Charge the obligation to comply with the rubric is enforced with much clearness and accurate practical knowledge of the subject.

perhaps contribute not a little to lessen the objections to communion with our Church.

I have already mentioned, that the rubric expressly requires that public baptism shall take place immediately after the second lesson. This is enjoined, "that the congre-" gation there present may testify the receiv-" ing of them that be newly baptized into the " number of Christ's Church; as also, because " in the baptism of infants every man pre-" sent may be put in remembrance of his own " profession made to God in his baptism." Are these intentions of the Church answered to such purpose as to make it expedient to continue the injunction? The common practice adopted in large towns, and adopted under the eye and with the knowledge of the spiritual rulers of the Church,—(who, as I have already remarked, have no authority to sanction such practice,)—leads to the inference that it is not expedient.

The 29th canon enjoins, that "no parent " shall be admitted as sponsor to his own " child; nor any person whatever, before such " person hath received the holy communion."

The rigid enforcing of this canon would perhaps induce some persons to receive the communion before they were otherwise prepared for it; but its principal effect would be, the preventing of many infants from being received into the Church at all. The poor, as it is, often find considerable difficulty in finding sponsors for their children. It certainly is right to admit to be sponsors no persons who have not been *confirmed*. I know not that it is desirable, in the present state of public feeling with respect to Church ordinances, to refuse parents. The disregard of a canon, however, is of less importance—I had almost said, of less *guilt*—than the neglect of a rubric.

Is it necessary to retain the rubric about *dipping* the child?

Might it not be useful to give in a rubric a clear and short explanation of the liturgical sense of the word "regeneration?"

Archdeacon Sharp observes, that "we " want some direction in what manner we " are to use this Office, when there is one " or more children to be baptized, as well

" as one or more children to be received by " it into the congregation[e]."

The Office for the Solemnization of Matrimony begins with a preface, which, however inoffensive at the time when it was first composed, contains perhaps some expressions which modern delicacy renders it often painful to read aloud. Might not a discretion as to the use of it be allowed?

The expression " with my body I thee worship" appears certainly to be inexpedient. Men of education know well that the word " worship" is synonymous with " honour." With the uneducated it is liable to misconstruction. Indeed, even if the word were altered, the whole clause would not convey any very clear and precise idea to the mind of a large majority of those who are called upon to use it; and on so solemn an occasion, and in so solemn a place, it is not desirable to put into a man's mouth words which, so far as he is concerned, have no meaning.

[e] Sharp on the Rubric, p. 36.

One prayer in the Office the minister is allowed to omit under certain circumstances, —circumstances, by the bye, upon which he is often an incompetent judge. Would it not be better to omit it altogether? Is a family of children in all cases so clearly a blessing as to be properly prayed for absolutely and unconditionally? A large family of children generally reduces a poor man to the condition of a pauper, depending for the maintenance of his family upon parish relief. With no children, or with but few, he depends under Providence solely on his own exertions. A large family of children furnishes a constant and never-failing excuse to the mothers for neglecting the Lord's supper, and their other religious duties; for giving way to violence of temper; for improper language; and sometimes is made by both parents an excuse for dishonesty. These things ought not to be, but these things *are*. I am not going to discuss the comparative advantages, whether moral or economical, of those who have families and of those who have not. I merely mean to say, that I wish that prayer

in the marriage service might be omitted, and each case left to the all-wise disposal of Providence. The prayer in question is, I believe, very frequently left out; but the omission of it seems to be an act of disobedience to the Church, a violation of ordination engagements.

Perhaps the repeated mention of the spiritual marriage betwixt Christ and his Church contributes little either to instruction or to edification. I could wish also that a general discretion could be given as to the use of the concluding exhortation.

The Absolution in the Office for the Visitation of the Sick has been repeatedly and ably defended. Those who object to it I would refer to that most useful and excellent publication, the Book of Common Prayer, with notes selected by Bp. Mant. Still I acknowledge, that it might be a relief to many of the friends of the Church, and might assist in disarming some of its adversaries, if the expressions in this form of absolution were less strong.

The Office for the Burial of the Dead is

generally admired for its eloquence, and for the topics of consolation which it suggests to the sorrowing friends of those who have departed this life. It has been objected to it, that it expresses too confident a hope of the salvation of every individual over whose remains the Office is used. To this the answer is, that the expressions alluded to are to be taken *generally*, and are not to be applied to each individual. Upon this subject also I would refer to the publication which I have just recommended[f]. But though these expressions are thus ably defended, I certainly feel that in many cases they make an injurious impression. The generality of the lower orders are apt to think, that they apply to the case of each person over whose remains they are used. They thus contribute to the too prevalent notion, that every deceased person—at least every person who has not enjoyed much of the good things of this world—is, as a matter of course, gone

[f] Or see Wheatley, or Shepherd, or the eloquent book of Comber, on the Common Prayer.

to a better place. Some, when they hear them read over men who were notorious sinners, and of whose repentance no evidence had been given, derive from them encouragement to continue in sin. And others, who are more disposed to exercise their reason, consider the use of these expressions, as implying a disregard for truth and holiness in the Church and her ministers. If a vigilant and active spiritual discipline were maintained in the Church, and notorious sinners were excommunicated until they had given evident signs of repentance, these expressions would be less liable to objection. In the present state of things, however, I am convinced that it is very desirable that some little alteration in them take place. I wish also that some alteration could be made in the prayer in which the minister says, "We give thee hearty thanks "for that it hath pleased thee to deliver this "our brother out of the miseries of this "sinful world." Do the feelings, the *real* sentiments, of the mourning friends of the deceased correspond in a majority of cases

with this expression of thankfulness? It is well if they have brought not only their reason, but their affections, to a temper of meek resignation and submission to the divine will. It may be easy to convince *the reason*, that "in every thing we should give "thanks," but an address to the Almighty should proceed from the *heart*, and should not be made in words to which *as yet* the heart can not respond. I wish that this expression of thanks could be changed into an expression of—or prayer for—*resignation;* and that the prayer to God, "shortly "to accomplish the number of his elect," &c. were altered into a prayer for readiness to die; "that we who survive, in this and like "daily spectacles of mortality, may see how "frail and uncertain our own condition is, "and may so number our days as to apply "our hearts to heavenly wisdom," &c.

Some clergymen in country parishes are in the habit, at funerals, of allowing the coffin to be brought into church, and of using the Psalms and Lesson appointed for the Burial Service, instead of the second

Lesson and Psalms of the day. In many cases this practice may be productive of beneficial effects; it may contribute to fix a serious impression of man's mortality upon the minds of the congregation at large; and the attendants on the funeral have the benefit of being present at divine service, from which perhaps they would otherwise be excluded by the duty in which they are engaged. In many cases however this introduction of the dead body into church is painful to the congregation; and to many persons it may give offence. The practice is entirely without the sanction of any authority whatever: and possibly the clergyman adopting it may subject himself to ecclesiastical censure, for omitting the Psalms and second Lesson which come in course to be read. At all events, it is desirable that the practice should be either sanctioned by authority,—a discretion as to adopting it or not being given to the clergyman,—or that it should be checked by the rulers of the Church.

CHAP. IX.

CHURCH EDIFICES.

Parish churches—The reparation of them often neglected, or conducted in a mistaken manner—Church Building Acts—Parsonage houses—Additions of glebe—Dilapidations.

UNDER the head of Church Edifices I shall offer a few remarks upon parish churches, and upon parsonage houses.

Both to persons of religious feeling and principle, and to those of cultivated taste, our parish churches are objects of no little interest. In every considerable assemblage of rustic dwellings the eye looks round for the ancient tower, or the heaven-directed spire, as a sort of resting-place, as the feature which gives character and consequence to the surrounding scenery. That connexion with ancient times, however, which gives to our parish churches much of their interest both in a moral and a picturesque point of view, occasions in the natural course of

things the necessity of *reparation*. In many churches, while the main walls stand firm as a rock, the timbers gradually become worm-eaten, the roofing slates slip from their hold and admit the wet, and the carved stone-work of the windows moulders away. The direction of such repairs, as they become necessary, devolves upon the Churchwardens; but it certainly is not desirable that the conducting of church reparations should be left entirely to the judgment and discretion of the Churchwardens *alone*, without the superintendence of men of more cultivated minds. I do not mean to say a syllable in disparagement of the class of men from which, in the generality of country villages, the Churchwardens are chosen. They are generally of that class by which, as the son of Sirach says, "the state of the world is "maintained." They are, doubtless, most respectable and valuable men in their peculiar line; but neither their education, nor their habits of life, qualify them for taking the entire management of a matter of such consequence to the credit—I might almost

add, to the religious feelings and impressions —of the country, as the repair of the parish churches. In the majority of cases the Churchwardens are taken from the farmers, "who are mostly tenants at rack rent, and "greatly burdened with poor." Perhaps the acting Churchwarden, being one of this description, feels no permanent interest in the parish, and thinks it possible to drive off the expense of repairing the church until he has quitted it himself. More frequently being aware of the difficulty which many of his neighbours have in meeting the pressure of the times, he can not bring himself to the ungracious, disagreeable, office of coming upon them for a church rate, and determines to leave it to his successor. The consequence is, that the repairs are frequently put off from time to time, to the serious injury of the fabric of the church, if not to its utter destruction. This seems to be one principal reason why some parishes are left without any church at all, why the words "ecclesia destructa" appear so often in our ecclesiastical lists. The clergyman may remon-

strate, but he may naturally feel delicate with respect to interfering in what will put his parishioners to expense. In such cases the interference of an ecclesiastical dignitary, invested with full authority for the purpose, becomes peculiarly expedient.

Nor is his interference sometimes less necessary when the Churchwardens are disposed to be active. The principle which ought to guide all Church reparation should be a wish to preserve every thing in its original form, unless where some alteration would contribute to the accommodation or comfort of those who attend divine service. Some Churchwardens, however, are disposed to shew their taste by alterations and improvements which are not called for by such considerations; and some, though they would be above deriving any pecuniary advantage to themselves, are glad to shew their kindness to a neighbour, by giving him a *job*. A governing maxim—(a very good one, if not carried too far)—is, that parish money should be spent in the parish; and if the parish does not furnish artisans qualified to

repair the defective parts of the church in their original form, and with their original materials, other forms and other materials will do as well. The stone mullions of a Gothic window, for instance, have mouldered away through age. Neither freestone nor a worker in freestone is at hand, but the carpenter in the parish, an industrious man with a large family, can manage to insert an upright of oak. Gothic tracery and small diamond-shape panes of glass are troublesome to repair, and are perhaps accused of obstructing the light. But the parish glazier is ready to substitute square panes of a larger size for the ancient diamonds; and with the timber uprights, and cross bars of the carpenter, the ancient Gothic window gives place to something entirely *sui generis*. Perhaps a few of the grey stone slates have lost their hold, or been injured by truant boys in search of a bird's nest. Similar slates can not be procured, but from a considerable distance, so their place is supplied by red tiles. The stone-work of the church, though all its joints are firm, and close, and

impervious to wet, is perhaps stained by a few harmless lichens which give a richness to its colouring. The *active* Churchwarden inflicts upon it the ruthless daubing of a whitewasher's brush. One of the stone buttresses, however, *is* a little faulty. It is removed, and some brilliant red bricks, which are made quite handy to the parish, occupy its place, and perform its office. A book was published a year or two ago, entitled, " Hints to some Churchwardens," illustrated with coloured plates. In this work the architectural atrocities, which are sometimes, in pure ignorance, perpetrated upon our parish churches, are pointed out with humour and good taste.

For the purpose both of ordering such repairs as are necessary, in the fabric of the church itself, and in the various furniture belonging to the church; and also for the purpose of seeing that such repairs and renovations are conducted with propriety, the intervention of a person of an educated mind and cultivated taste, and invested with official rank and authority, becomes often

highly expedient. It is therefore (as in a former chapter has been intimated) provided by the 86th canon, " that every Dean, Dean " and Chapter, Archdeacon, and others, which " have authority to hold ecclesiastical visita- " tion, shall survey the churches of his or " their jurisdiction once in every three years, " either in his own person, or cause the same " to be done." In some dioceses this inspection of churches by those in authority has, of late years especially, been actively carried into effect. But in several dioceses, the majority of the churches have not in a long succession of years been seen by any one competent to give an authoritative direction. The consequence is, that many of them exhibit symptoms of neglect, and are going rapidly to ruin from the want of timely repairs;—sometimes from the mere want of paint, that great, though unpicturesque, preserver of the works of the carpenter and the smith. Certainly it is to be wished, that in every diocese either the Bishops or Archdeacons would take measures for remedying these evils. The 86th canon directs,

that the reparations necessary should be certified to the High Commissioners for Causes Ecclesiastical, who should enforce the carrying of them into effect. That court having long since ceased to exist, I apprehend that such repairs can now, in case of any refractoriness on the part of the Churchwardens, be enforced only by *excommunication*. The several fees attending the preliminaries to this last resort of Church power, carry with them in most cases sufficient terrors to insure compliance. Excommunication however being a punishment essentially *spiritual*, seems to be an awkward and incongruous engine for punishing the neglect of an offence bearing much of a *civil* character. It would be better to enforce such orders by a small pecuniary penalty to be levied summarily, similar to that which is suspended over the heads of delinquent surveyors of the highways.

Where the reparation of a church amounts to a considerable sum, there is a something of hardship in its falling upon *rack renters*, who perhaps have recently come into the

parish, and consequently are not responsible for the past neglect of repairs, and who have no permanent interest in the parish prospectively. It would perhaps be equitable to throw the burden upon the landowners, whose interest is of a more lasting nature, giving them of course previous notice. This is indeed effected in some degree by the Act (59 Geo. III. c. 134. sect. xiv.) which enables the Churchwardens, with the consent of vestry, Bishop, and Incumbent, to borrow money *for repairs* upon the credit of the church rates, and to levy rates sufficient from time to time to pay the interest of the money so borrowed, and not less than ten per cent of the principal. A similar clause (58 Geo. III. c. 45. sect. lix.) gave the same power to borrow money for *enlarging or otherwise extending the accommodation* of the churches or chapels in the parish, provided that one-half of the additional accommodation shall be allotted to uninclosed or free seats. By this Act, the principal is to be paid off by the rates at such times and in such proportions as shall be agreed upon

with the persons advancing such money. It is well known that this last-mentioned Act holds forth a variety of facilities for building additional churches; and an Act of the last session of Parliament (8 Geo. IV. c. 72.) gives the perpetual right of patronage to persons building and endowing churches, with the consent and under the direction of the King's Commissioners. The patronage of a church implies a solemn trust and responsibility; but, as a mere matter of business, the building of churches may, by this last-mentioned Act, become often a mode of investing money, profitable to the invester, and at the same time beneficial to the neighbourhood.

Parish churches stand the more in need of being occasionally inspected by some ecclesiastical officer having authority to order the necessary repairs, because, as they are *public* buildings, no person in particular feels an immediate *personal* interest in keeping them in repair; with the exception perhaps of the clergyman, who may be withheld by

a mistaken delicacy from interfering. This can not be said with respect to

PARSONAGE HOUSES.

These the Incumbents are bound to keep in repair, not only by the obedience which they owe to the laws of the Church, but by a regard for their own credit and comfort, and by their wish to save their family, if they have a family, from being subject to a heavy demand for dilapidations.

Both the spirit and the letter of our laws, as well as public opinion, require the residence of the parochial clergy on their benefices, and nothing contributes more to promote such residence than the providing of comfortable and convenient parsonage houses. Much has of late years been most judiciously done by the legislature for the furtherance of this most desirable object. The example was set by that very useful Act, commonly called Gilbert's Act[a], which, as is well

[a] 17 Geo. III. c. 53.

known, enables an Incumbent to borrow money to the amount of two years' income, upon a mortgage of his benefice, for the purpose of building, or improving, or extensively repairing, the parsonage; the money so borrowed being paid off by instalments, of, either five per cent if he is resident, or ten per cent if non-resident. The governors of Queen Anne's Bounty are enabled to lend money for this purpose at four per cent interest, or even at a lower rate of interest, if they think proper. Where there is no parsonage house, or a house too mean, or in a state of decay, the Bishop with the consent of the Patron may, *without the concurrence of the Incumbent*, proceed under this Act to build to the amount of two years' income of the benefice, provided the Incumbent shall not reside twenty weeks in the year, and shall not think fit to lay out one year's income to put the house in proper repair. This Act also facilitates the providing of small quantities of glebe, by exchange or sale of glebe, or tithe.

Another Act[b] enables persons to give, by deed *enrolled*, or by will executed three calendar months' before death, five acres of land, or five hundred pounds in money, to build, or repair, or purchase, either a church or a parsonage house, or to provide a cemetery for the former, or glebe for the latter. The same Act empowers the annexation of small plots of land held in mortmain to either church or parsonage by way either of exchange or of benefaction; and another Act, a few years afterwards, enables the crown to grant five acres of land, and lords of manors to grant five acres of waste land, for such ecclesiastical purposes.

A certain quantity of glebe conveniently situated often contributes much to the comfort and economy of a clerical residence. The important Act of 55 Geo. III. c. 147.[c] empowers an Incumbent, his existing glebe not exceeding five acres, to purchase any land not exceeding in the whole twenty

[b] 43 Geo. III. c. 108. brought into Parliament, I believe, by Bp. Randolph.

[c] Called, I believe, Lord Egremont's Act.

acres, and for such purpose to borrow to the extent of two years' income by mortgage of his tithes, &c. Colleges, and the governors of Queen Anne's Bounty, are empowered to lend money for this purpose. By taking advantage of this provision, an Incumbent may not only give to himself and successors the advantage of having glebe, but may by a small yearly sacrifice permanently increase the endowment of the living. Where there is no parsonage house, or where the house is too small, inconvenient, or incommodiously situated, the same Act empowers private persons, or corporations sole or aggregate, to *give* a house to the Incumbent, together with a garden, orchard, &c. It also facilitates exchanges of glebe land, or house, for other lands or house of greater value, or more conveniently situated. The passing of this Act was a most beneficial measure.

Parsonage houses, however, like all other houses, have a natural tendency to decay. Necessary repairs, if neglected by the Incumbent, may be enforced by the Bishop,

by *monition* and *sequestration*. To what amount this power of the Bishop extends, whether to a fifth part of the annual income[d],—or to the full income of one year,—or to whatever sum the repairs may require,—does not appear to me to be perfectly clear. The "poverty, and not the will," of the Incumbent is perhaps in most cases the cause of the bad state of repair in which his house is found; and thus comes the difficult and unpleasant question of *dilapidations* after his Incumbency has been terminated by death.

The law of *dilapidations* seems for many years to have been in a vague and uncertain state. The amount to be demanded in any particular case is determined by surveyors, who appear to have had no clear and acknowledged principle for their guidance in forming an estimate. Ought it to be confined to substantial repairs only, or does it extend to internal decorations? About the time that I first became an Incumbent, it was generally understood that the surveyor,

[d] Burn, Dilapidations.

who was supposed to be honoured with the confidence of the highest ecclesiastical authorities, was in the habit of maintaining, that paper, paint, &c. &c. ought to be in perfect order for the reception of the new Incumbent. The opinion of one of our highest legal authorities appears to be in opposition to this system, if the following report is correctly given.

NORFOLK CIRCUIT, JULY 11, 1826.

Percival *v.* Cook.

Chief Justice Best. "Did you make your "estimate upon the principle, that the pre- "sent Incumbent was to walk into the pre- "mises in a complete and finished state of "repair?" "I did my Lord."

Chief Justice Best. "This principle is "clearly wrong. The surveyor has gone "on the principle, that the representatives "of the late Incumbent are bound to do "every thing to the premises which an *in-* "*coming* tenant would do. They are bound "to do no more than ought to be performed "by the *out-going* tenant. On this prin-

"ciple the valuation ought to have been "made. The present estimate is worth "nothing. The executors were, in fact, "bound to do nothing more than to restore "what was actually in decay, and make "such repairs as were necessary for the "actual preservation of the premises, but "there was no obligation on them to do any "thing in the way of fashion or ornament."

'After some consultation between the 'counsel on both sides, it was agreed, that 'a verdict should be entered for £400, being '£384 less than the estimate.'

Many years ago it was reported, that our venerable Primate had it in contemplation to introduce into Parliament a Bill on the subject of dilapidations, but I believe that nothing was done.

Considering the importance of maintaining parsonage houses in a state of repair, on the one hand, and on the other, the destitute condition in which the families of deceased clergymen are often left, it is certainly desirable that the law of dilapidations should be rendered as clear and as uniform as pos-

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sible. As a trifling instance of the want of uniformity, I might mention the case of two friends of my own. One, on his accession to a living, was required to pay, as for a fixture, for a marble chimney-piece, placed in a room built by his predecessor *under Gilbert's Act*. Another, as executor of a deceased Incumbent, found a flaw in a marble chimney-piece purchased by that Incumbent increase the demand for dilapidations. In this case the marble chimney-piece was considered as a *substantial part* of the house; in the other it was considered as an *unnecessary adjunct*.

Many cases of hardship with respect to dilapidations constantly occur.

A clergyman succeeds to a living, the last Incumbent of which has died insolvent;—a case unhappily of too frequent occurrence. He of course gets nothing for dilapidations, though the parsonage house, from the poverty of his predecessor, is sadly out of repair. Before the expiration of the year the new Incumbent dies also. Are not his representatives liable to be called upon for

dilapidations? The *Reformatio Legum* had a provision to meet this case: "Spatium "tamen possessionis erit considerandum, "quod si totum annum non impleverit, nihil "postulabitur, quantum autem anno fuerit "amplius, ad id æquitas judicis ecclesiastici "satisfaciendi rationem accommodabit."

This provision is certainly founded in equity. And if it is equitable that an Incumbent holding a living for *less* than a year should not be liable to a charge for dilapidations, it is fair that the possession of it for a short time beyond the year should not greatly increase his liability. Certainly it is desirable that in all cases the charge for dilapidations should bear some proportion to the *time* that the living has been possessed. The fixing of that proportion might be left to the discretion of the Ordinary.

It seems fair also that the amount of dilapidations should have some reference to the *annual income* of the benefice; which, I believe, is not the case at present. One *ecclesiastical constitution*, as we have seen, empowered the Bishop to sequester *one fifth*

of the annual income for repairs; and Gilbert's Act enables him to build to the extent of two years' income,—(that amount being distributed over twenty years,)—provided the Incumbent declines laying out the income of *one* year in repairs. If this is all that can be required from a *living* Incumbent, is it fair that the family of a *dead* Incumbent should be liable to a charge greatly exceeding, it may be, the income of one or even of two years? Reasoning from analogy, it might be said, that dilapidations should not exceed the amount of one year's income, excepting in aggravated cases. At all events *some equitable principle* should be established and acted upon, and the power of applying that principle to each individual case should be given to the Bishop or to his Chancellor.

An Incumbent is clearly at liberty to cut down timber for repairs, whether such timber be come to its growth or not. It would be fair, in making out a charge for dilapidations, to give the late Incumbent *credit*—as *a set off*—for such rough timber as he *might legally* have cut down for repairs, but which he was

withheld from felling by regard, either for the interests of the living, or for the appearance of the country.

The preceding remarks may seem to have been dictated by a wish to save Incumbents and their representatives from harassing and burdensome demands. On the other hand, I wish to see Incumbents more restrained than they are at present in the power of *felling timber*. An Incumbent, it seems, may lawfully cut down timber on the glebe for necessary repairs, or *for fuel*. The felling of timber for *fuel* was allowed at a time when wood was the principal, perhaps the only, fuel in most parts of the country. I would now make it illegal.

I am satisfied, that in the majority of cases this power is not abused. The clergy in general are attentive to the preservation of the timber on the glebe, both from feelings of justice and propriety, and from a regard for the picturesque appearance of their village. But still I would not leave it in the power of a necessitous or grasping clergyman to despoil "at one fell swoop"

either the church-yard, or the immediate domain of the parsonage, of venerable trees, the growth perhaps of a century, which gave a character to the whole place, which constituted its principal ornament, and on which the eye of the traveller or of the inhabitants of the surrounding villages were accustomed to repose with pleasure.

The law which gives to a surveyor of the highways a power to lop or to cut down trees for the accommodation of the public, makes an exception in favour of trees planted for ornament or shelter near a dwelling-house. Public convenience is in this instance made, very properly, to give way to the comfort, or even to the taste, of the individual. The public have often an interest in the preservation of trees under circumstances such as I have hinted. The trees indeed in some degree partake of the nature of public property. The temporary possessor of the benefice should not have the power, of inflicting on the neighbouring country and on his successors a privation, which can not be repaired in a long succession of years. I

would say, that no Incumbent should be at liberty to cut down trees—exceeding a certain size or growth—either in the church-yard, or the immediate precincts of the parsonage, without the sanction of his ecclesiastical superiors. "Ne rector prosternat arbores in cæmeterio[e]." The cutting down of *timber trees* on ecclesiastical property for *fuel* should, as I have hinted before, be prohibited altogether.

[e] 35 Ed. I. c. 2.

CHAP. X.

CHURCH PROPERTY.

Diminution of Church property—Causes of it—Terriers—Church-Property-Commissioners—Tithes—Fees.

THE income of the parochial clergy, as is well known, is derived from *glebe*, from *tithes*, and from *fees and offerings;* the latter, in country parishes, generally amounting to a mere trifle.

A clergyman upon first taking possession of a living, is sometimes at a loss as to the mode of ascertaining to what payments he is really entitled. It is generally to be presumed, that his predecessor has left some statement of ecclesiastical dues, but this is very often neglected. The same habit of procrastination and indolence, in consequence of which many a man dies without a will to the serious inconvenience, perhaps the serious loss, of those who, during life, were most dear to him, may well lead him to neglect preparing such a document as I

have alluded to, for the benefit of his unknown successor. In default of any such memorandum, the new Incumbent in many cases hardly knows where to apply for information. He feels probably a degree of awkwardness in applying for it to his parishioners, the very persons by whom the payments are to be made; and where there is any doubt respecting a payment, especially if the amount of it is not of much importance, he feels from delicacy a strong inclination to let it drop altogether. Perhaps his predecessor could never bring himself to demand many of the little payments which he knew to be due to him; and in a long incumbency they come to be altogether forgotten.

Even portions of glebe, in a multitude of cases, may silently slip away from a benefice, without any intentional dishonesty. The " great man," for instance, who owns nearly all the land in the parish, is also Patron of the living, which he gives to the son of his steward, or some other dependant. A few acres of glebe lie near the mansion house, and surrounded by its

domain; the Patron takes a lease of it at a liberal rent,—for he has no intention to wrong the Church,—and perhaps even alters the fences. The arrangement continues to the satisfaction of both parties. The heir of the Patron succeeds to the estate, of which after a succession of years the portion of glebe is supposed to constitute a part.

It is not to be supposed that any Patron would ever knowingly be guilty of an act of spoliation. If it *were* possible, there are a hundred *amicable* arrangements, a variety of bargains not absolutely carrying iniquity upon the face of them, by which the Patron of a living may make it contribute to his own pecuniary benefit. " Glebe lands," says Secker in his fourth charge to the clergy of the diocese of Oxford, " Glebe lands have " been blended with temporal estates; and " pretences set up, that only such a yearly " rent, far inferior to the real value, is " payable from them. Tithes and other " dues have been denied, under false colours " of exemptions in some cases, and of " moduses in many. Every unjust plea

" admitted makes way for more. And thus " what was given for the support of the " clergy in all future times, is decreasing " continually, and becomes less sufficient, " as it goes down to them."

Accurate *Terriers* of Church Property would be very useful in preventing similar diminutions from taking place, and in contributing to render more easy the recovery of acknowledged dues. The 87th canon enjoins, " that " the Bishop of each diocese shall procure " terriers, to be taken by the view of honest " men in each parish, to be appointed by " him, whereof the minister to be one:" " it specifies," continues Secker, " the par- " ticulars of which they shall consist, and " orders them to be laid up in the Bishop's " registry. How often they shall be taken, " it doth not mention. But plainly the " changes which time introduces, particu- " larly in the names of parcels and abuttals " of glebe lands, require a renewal of ter- " riers at reasonable distances. This canon " hath been observed so imperfectly, that of " about 200 parishes, of which this diocese

" consists, there are terriers in the registry " of no more than about 126; and of most " of them only one; and of these, not 20 " since the year 1685[r]."

As terriers are not received by the common law courts as conclusive evidence *for* a clergyman, but as they are always considered as strong evidence against him, the drawing up of a terrier is a work which requires accurate knowledge, skill, and caution. There is something awkward in directing a terrier to be constructed entirely by *interested* parties,—by the clergyman, who is interested one way, and by the churchwardens and parishioners, who are, probably, interested another way. Certainly in many cases the ecclesiastical rights and dues may be so clear, as to present no difficulty in the statement of them. In very many cases, however, it is otherwise.

For the purpose of forming clear and authoritative terriers in all cases involving any doubt or difficulty, I wish to see an Act

[r] This Charge was delivered in 1750, to the clergy of the diocese of Oxford.

of Parliament sanctioning in every diocese the appointment of three lay *Commissioners*, possessed, if it may, of the same talents, the same industry, the same legal acquirements, the same general *professional weight*, with the Charity Commissioners. These Commissioners might be appointed, one by the Bishop, one by the Chancellor, one by Quarter Sessions. Of such *Church-Property-Commissioners*, the Bishop, the Archdeacon, and the Chancellor, should be members *ex officio*, though of course not required to take part in all their proceedings. The Commissioners should be furnished with powers similar to those given to the Charity Commissioners.

Their first business would be, in concert with the Bishop, to examine the existing terriers, whether deposited in the Bishop's registry or in the several parishes. They would then make a circuit through all the parishes in which their assistance should, by the Bishop or the Incumbent, be deemed necessary; and after examining witnesses and documentary evidence on the spot, proceed to the forming of terriers, comprising ecclesiastical dues of every description. Where there is *glebe*, the terrier should generally be accompanied by an accurate *map*. In any disputed claims of small amount, their decision should be final. In disputed claims of importance, they should draw up a case, signed by both the conflicting parties, or by their respective attornies, to be submitted to the Judges of the Court of Exchequer; the party against whom the decision is given paying the costs.

These *Commissioners of Church-Property-Inquiry* must of course be *paid;* and it may be asked, from what source is their remuneration to be drawn? We have lately heard much of the very large sum which the Charity Commissioners of 1818 have cost the country. That sum, however large, is, I am disposed to think, money well spent: but it certainly can not be expected, that any of the public resources should be applied to the payment of such Commissioners as I have suggested. The money for this purpose might be furnished in the first instance by Queen Anne's Bounty, with the

spirit of which institution the measure which I recommend would be in most close and legitimate accordance; and the money so advanced by the Bounty Office should be repaid by a *short sequestration* of the profits of the several benefices, as they happen to become void. The future Incumbents, instead of having any cause to complain of this subtraction of profits during the period when they had no duties to fulfil, will have reason to rejoice at succeeding to preferment, all the rights and revenues of which have been accurately ascertained.

The Commissioners might be paid either at the rate of so much *per day*, for the time occupied by each benefice; in which case each benefice, upon its next avoidance, would pay its own expenses. Or they might be paid so much *annually*,—(the three months of the long vacation *only* being devoted to the enquiry;)—in which case, each benefice which has been the subject of enquiry would, upon its next avoidance, pay to a general fund a sum proportioned to its value.

It seems that some measure of this nature

would be the only fair and equitable mode of setting at rest—of in fact extinguishing—the *dormant claims of the Church.*

When in 1772 Mr. Burke spoke in favour of the Bill for quieting the possessions of the subject against the *dormant claims* of the Church, he maintained, no doubt, that kind feeling towards the Church, by which he was always actuated; but he seems hardly to have considered sufficiently the various causes, which have occasioned many of the just rights of the parochial clergy to fall into a state of oblivion or neglect, and the many powerful motives which may keep back an Incumbent from asserting the rights of his Church, after they have once been suffered to sleep, to fall into a species of abeyance.

From the causes which I have hinted before, many successive Incumbents may, from want of means of information, remain in absolute ignorance of what is legally due to them. This ignorance may originate with one careless or negligent Incumbent, and may be transmitted through several successors without blame attaching to them.

Again, the bringing forward of *dormant claims* is in all cases an ungracious and unpleasant task; and the adoption of all the caution, and courtesy, and forbearance, and moderation, which Secker so judiciously recommends[b], will hardly prevent it from being offensive to those upon whom it is made. The clergyman advancing such a claim, advances it probably from a principle of duty, and from feeling himself bound to act as trustee for his successors; but if he has a pecuniary interest in the establishment of the claim, he will hardly get credit for being influenced *solely* by conscientious motives. Most clergymen had rather forego any additional emolument, than embroil themselves in any degree with their parishioners. In the case of benefices in private patronage, it is hardly to be expected that an Incumbent should bring himself to set up an ecclesiastical claim against his Patron, to whose kindness he is indebted for the income which he enjoys. The expense too of

[b] Fourth Charge.

establishing such claims is always formidable; and, if they are met and resisted in a spirit of hostility, are, in the majority of cases, such as to entail absolute ruin upon the individual clergyman, who—"unhappy "wight, born to disastrous end"—felt it right to assert them. Spenser's well-known lines are generally as applicable to a suit in a *court of law*, as to the pursuit of court favour.

"So pitiful a thing is suter's state!
"Most miserable man, whom wicked fate
"Hath brought to *court*, to sue for had-ywist,
"That few have found, and many one hath mist.
"Full little knowest thou that hast not tried,
"What hell it is, in *suing* long to bide:
"To lose good days, that might be better spent;
"To waste long nights in pensive discontent;
"To speed to-day, to be put back to-morrow;
"To feed on hope, to pine with fear and sorrow;
"To fret thy soul with crosses and with cares;
"To eat thy heart with comfortless despairs;
"To fawn, to crouch, to wait, to ride, to ronne,
"To spend, to give, to want, to be *undone*."

The asserting of *dormant claims* is a burden which ought seldom to be laid upon any

parochial clergyman. His personal comfort and peace of mind, his ministerial usefulness, as well as *fiscal* considerations, all require that he should be relieved from such an ungracious office.

While ground for such claims continues, there should in each diocese be some public officer, or some *permanent commission*, appointed by the Bishop, for the purpose of prosecuting them. When brought forward by a person having no personal interest in the establishment of such claims, no more odium ought to attach to the prosecution of them, than attaches to similar proceedings when instituted by the trustees of a charity, who are generally commended for such attention to the interests of their trust. As the Dean and Chapter of a Cathedral are of common right guardians of the *spiritualties* of the Bishopric during the vacation, so they might be constituted guardians and conservators of the *temporalties* of the parochial clergy, for the purpose of preventing them from suffering loss or diminution, or for asserting their just rights. Such claims

should of course never be advanced till the claimant has satisfied himself by careful enquiry that they are well founded. To shew with how little justice the character of litigiousness could be cast upon the clergy, Secker observes[a], that of 700 suits for tithes, brought by the Clergy into the Court of Exchequer, during the space of 53 years, 600 were decided for them. It is to be presumed, that of such claims,—brought forward as they would be with caution, and accurate previous information,—the majority would be established. Here again Queen Anne's Bounty might in the first instance supply the necessary funds, repayment being provided for out of the property or other dues recovered to the Church. The existing Incumbent should be at liberty, should he think it expedient, absolutely to renounce all benefit to himself.

The appointment, however, of such commissioners of Church-Property-Inquiry, as I have suggested, would go far towards put-

[a] In 1772.

ting an end to all such claims, and towards preventing all the unfriendly feeling which the prosecution of them might occasion.

Expedit reipublicæ ut sit finis litium.

TITHES.

Tithes, as is well known,—and often lamented,—constitute the principal source of clerical revenue. Speaking of Church-property *generally*, Mr. Rennell says[b], "There "is not a lay estate in the kingdom that is "held upon a title so ancient and so sound "as that of the property of the Church."— "It is a gross violation of the first prin- "ciples of the Constitution, to call the "Revenues of the Church either a burthen "or a tax. They are neither; but they are "*freeholds;* freeholds productive of the same "advantages, subject to the same burthens, "and protected by the same laws, with "every other species of landed freehold." And soon after, "Tithes are no tax; they "are a rent-charge upon the land to the

[b] Letter to Brougham, p. 35.

"amount of a tenth part of its produce. "They are a rent-charge, not imposed by "the law, but by the original possessors of "the land; the land thus charged by its "original possessor has been bought and "sold hundreds of times, subject to the "ecclesiastical rights, which are vested in "it; and in a price for which those lands "have been bought or sold, this reservation "has always been considered. Tithes are "not public but private property; nor are "they the less so because in some cases "a public duty is entailed on their posses- "sors. The Incumbent of a parish is a "servant of the public, but he is not paid "by the public; in his parochial property "the public have no more concern than in "his private fortune."

One of the best Essays upon Tithes that I am acquainted with appeared in the LVIIIth Number of the Quarterly Review[c]. Speaking of the ecclesiastical revenues, the writer undertakes to prove to the satisfaction of every candid mind, that the *land-*

[c] December, 1823.

occupier pays nothing—" that the land-
" owner pays nothing—that the dissenter
" pays nothing—nay, farther, that the mem-
" ber of the Church of England pays no-
" thing—in the sense which the expression
" bears in the mouth of those who use it—
" towards the expense of the ecclesiastical
" functions ordained by the state." This undertaking may at first sight seem to some persons bold and arduous. The writer, however, appears to me to have succeeded in it, simply by following out the principle laid down by Mr. Rennell. This Essay, when it first appeared, was very generally read and admired; but as four years have elapsed since its publication, I may perhaps be permitted most strongly to recommend the perusal of it to all those who pay any attention to the subject of tithes, whether as friends or as enemies.

Clear, however, and well-founded as the right to tithes may be, I would give all possible facility to every equitable proposal for the *commutation* of them. A very judicious article on the tithe system appeared

in 1816, in the XVIth Number of the British Review, which was in 1822 published in the form of a cheap pamphlet[d]. The writer takes a sound and comprehensive view of the whole subject; he appears to be fully aware of the peculiar *advantages* of the tithe system, but at the same time finds its *disadvantages* so to preponderate, as to make him an advocate for *commutation*, the different modes of effecting which he proceeds to discuss.

The taking of tithes in kind must, generally speaking, be the source of constant annoyance and irritation both to the *clerical tithe-taker* and to the *tithe-payer;* and the subsequent *disposal* of the tithes is likely to occupy the attention of a clergyman, in a manner by no means in unison with the subjects, on which his mind ought to be principally engaged; and it will also naturally be attended with considerable loss. And if this be the case with tithes generally speaking, it is doubly—or *tenfold*—the case with

[d] Sold by Hatchard, London; and Parker, Oxford.

vicarial tithes, the collection of which *in kind* must be peculiarly vexatious and harassing to both parties.

If the claims of the clergyman are met—as when tithes are taken in kind they generally will be met—in a hostile manner, his power of being spiritually useful to his parishioners will be deplorably diminished, and his own peace of mind, as well as his pecuniary resources, involved probably in ruin. When a clergyman has facilities for taking up *rectorial* tithes, that circumstance may assist him in inducing the farmers to agree to an equitable composition. Where he has no such facilities,—where he is, for instance, unfurnished with waggons and horses, as well as with agricultural knowledge, and perhaps has not even a convenient place in which to deposit his tithes when collected,—the farmers will naturally take advantage of his helplessness, for the purpose of reducing him to terms of composition much below the real value of his property.

It is needless, however, to enlarge upon this subject; as I apprehend that most

men, who have maturely considered it in all its various bearings[c], concur in the opinion that a fair commutation of tithes is desirable where it can be effected. The difficulty is in determining, what shall be substituted in the place of tithes. All those, whose opinion carries any weight either in or out of Parliament, are, I trust, agreed, that any general system of *compulsory commutation* would be iniquitous and oppressive. The exchange should be entirely optional.

Any general Act of Parliament on the subject ought, if possible, to give some latitude to the commissioners who might be appointed in each individual case, for arranging the commutation—(with the consent of course of all parties interested)—according to the circumstances of the living.

Land, in lieu of tithes, has been objected to on a variety of accounts. It certainly is not desirable to tempt the clergy *generally* to become farmers, which in many cases would be attended with loss to them, and

[c] See the Report of the Parliamentary Committee in 1816, on the Letting of Tithes by Lease.

with a diminution of their professional usefulness.

Farming, however, is a most respectable and interesting occupation, and there is no objection—indeed the law says that there is no objection—to a clergyman's occupying a moderate portion of land;—especially when the population of the parish is such as not to require the whole of his time and attention. *Glebe*, to the extent of twenty or thirty acres, appears to be deemed by the legislature a desirable addition to an ecclesiastical residence; and in a *general* tithe-commutation Act, I should wish to see a clause permitting the taking of glebe to that extent,—(or making up that quantity together with glebe already belonging to the benefice)—in lieu of part of the tithes.

A *corn-rent* appears to be considered as the fairest general substitute. I think it is so. To a corn-rent, however, there is this obvious objection, that when corn is *cheap* in consequence of the largeness of the crop, the increase in quantity makes up to the *taker of tithes in kind* for the diminution of

price. Under a *corn-rent* this sort of *compensation* can not take place.

The Irish tithe-commutation Act was a most beneficial measure; but—excepting that it is true that *volenti non fit injuria*—it proceeded on an *iniquitous* principle. Its principle was iniquitous, inasmuch as, instead of endeavouring to ascertain the amount to which the clergy were fairly entitled, it took as the ground-work of the commutation the sum which the clergy had, by their liberality, their spirit of forbearance, their prudence, or their fears, been induced actually to receive. The Commissioners were "to ascer-" tain and fix an equitable equivalent for the " tithes, to be calculated upon the average " for the seven years preceding, of all the " sums *paid*, *agreed for*, or *adjudged to be* " *paid*, on account of tithes: but should the " composition previously settled by private " agreement be below such average, the " Commissioners have no power to increase " it."—"The agreement thus accepted and " settled may either continue in force for " twenty-one years without variation, or

" may be altered every seventh or four-
" teenth year, according to the price of corn
" in the Dublin Gazette, during the seven
" preceding years [h]."

Any commutation should, as I observed before, be entirely *optional*. Indeed I am not aware that there has ever been any proposal for making it compulsorily.

The fairest and *cheapest* plan of commutation that I am acquainted with is that which was in 1786 submitted to the Bath Agricultural Society by Mr. B. Pryce, of Salisbury [i]. The leading features in this plan are as follows.

Where the Bishop, Patron, and Incumbent, concur with *three fourths* of the landowners in thinking a commutation desirable, application for permission to proceed is to be made to Quarter Sessions. Previous notice of such application is to be given on the

[h] See an excellent Article on the Church in Ireland, in the Quarterly Review, No. LXII. (March, 1825.)

[i] Papers of Bath and West of England Agricultural Society, Vol. IV.

church-door on three Sundays, and in some county newspaper circulating in the neighbourhood of the parish in question. The notice, in short, would be similar to that for altering a highway. At the Quarter Sessions persons opposed to the measure may be heard by counsel. If the Bench consent —(the question being determined *by ballot*) —three Commissioners (land-surveyors probably) are to be appointed, one by the Church, one by the land-owners, and the third by the Quarter Sessions *by ballot;* the act of any two of them is to be binding. A Commission, signed and sealed by the Court, is to be made out and deposited with the Clerk of the Peace, and an attested copy to be given to the Commissioners. The Commissioners are to give in the county paper, and on two Sundays in church, ten days' previous notice of their *first meeting*, at which meeting they are to be sworn to the due execution of their Commission. If any modus is set up, the Commissioners should examine witnesses upon oath. If the matter in dispute can not be settled, the

case should be drawn up, and signed by the Commissioners, and submitted to some eminent counsel, agreed upon by the parties. If they do not fix on any one, the Commissioners may request the Chief Baron, or the Judges at their next Assizes, to name one. His decision to be final. A survey and map of the lands must be made, and the Commissioners will then proceed to their valuation of the tithes. Mr. Pryce recommends, that when the valuation is completed, the Commissioners should call a meeting of the tithe-owners and proprietors of land, and explain, to such as are desirous of information, the principles on which they have proceeded. If any of the parties conceive themselves to be injured, an appeal is given to the Quarter Sessions. With respect to expenses he says, "as the inconvenience of tithes is very great to the laity, and the interest of the clergyman is but temporary, it is proposed, that the clergy should be exempt from all expense, except a share of that which may arise on determining whether a modus is or is not legal." "Whatever

charges are incurred should be borne by the owners of the land, in such equitable shares and proportions as the Commissioners shall direct. A power should be given, as in inclosure bills, for tenants in tail, for life, or for long terms, to borrow money, and charge it on the lands." "The clergyman should have the privilege of calling on his parishioners to nominate at a vestry two Collectors, for whom they should be responsible; the Collectors—who might be the Collectors of the land-tax—to have threepence in the pound."

"The Clerk of every principal market in the county would then have to make to the Epiphany Quarter Sessions a return of the price of wheat each market-day during October, November, and December, from which returns an average should be struck every ten years, which should regulate the commuted clerical incomes for the ten years following." Seven years would probably be a better term than ten.

A very judicious private Act, passed June 8, 1821, for commuting for a corn-rent the

vicarial tithes, &c. in the parish of Edgbaston, in the county of Warwick, appoints two Commissioners, giving each of them three guineas a day. For settling the corn-rent they are to take an average of fourteen years preceding the passing of the Act. At the end of any seven years the Vicar, or any owner of land assessed to the land-tax to the amount of thirty pounds a year, has the power of calling a meeting, (of which previous notice is to be given,) for the purpose of ascertaining the price of good marketable wheat in the county of Warwick for the seven years preceding. In the event of such meeting not agreeing, the Quarter Sessions are to appoint three disinterested persons to determine it, which price is to fix the value of the living for the next seven years, and so on. The Act gives the Vicar the power of distraining; and directs, that upon any avoidance of the living, the profits shall be divided between the late Incumbent and his successor, in proportion to the time of their respective holding of the benefice. Many of the provisions of the Edgbaston

Act might be adopted in a general Act. For counties within a certain distance of London, the Mark Lane averages might be sufficient for fixing corn-rents.

The general Commutation Bill which was introduced into Parliament in February last —(introduced, I must say, in a spirit of perfect fairness towards the Church)—has, probably, subsequently undergone many alterations. I confess that *its machinery* seemed to be much too complicated and expensive. It provided, that in each individual case application should be made to the Archbishop, who might issue a Commission to *several* Commissioners, of whom one was to be a Justice of Peace, a second a barrister, and a third a clergyman. Besides these official Commissioners, there were apparently to be two or three more, *all to be adequately paid.* In addition to these were to come *three* surveyors; by whom alone, on Mr. Pryce's plan, the whole might be managed.

Instead of requiring the higher class of Commissioners in each individual case, it

might (as I have before suggested) be desirable to appoint in every diocese a *permanent Commission*, under the presidence of the Bishop, to which every plan for commutation, and every other measure affecting the property of the Church in such diocese, might be submitted; and which, in all such measures, might act as the Bishop's privy council. The Chancellor of the diocese and the Archdeacons should be members of such Commission in virtue of their office; and two or more laymen of business-like habits, and possessed of some degree of legal knowledge, might be members of it. The Dean and resident Canons or Prebendaries of the Cathedral, as they are constitutionally the council of the Bishop in other things, might be his council for the purpose which I have mentioned.

The surveyors appointed to value tithes with a view to a commutation must of course consider, not what the value of the tithes may happen to be at the particular time of the valuation, but what it *ought* to be in the usual—or rather in an *approved*—course of

husbandry. It is possible, that previously to such a valuation some lands might be partially thrown out of cultivation—corn-land laid down to grass—stock withdrawn to land in another parish—and other temporary manœuvres practised. For the case of *waste* land being afterwards brought into cultivation, provision was originally made by the Bill.

In the *compositions* for tithes which have been recently made, it is, I believe, generally arranged, that all parochial rates upon them shall be paid by those who compound. It seems to be very desirable, that under a general Commutation Act the Commissioners should have the power of making their valuation *either subject to poor-rates or not*, as should be previously determined. At least, in the case of benefices under a certain value, this power should be given. The system in some parishes, of paying all the labourers almost entirely from the poor-rate, has, occasionally, reduced the value of several livings to *less than nothing*. If it is desirable, as it certainly is, that a clergyman

should reside and *keep house* in his parish, he ought not to be deprived of the means of doing so. The farmers ought not to have the power of thus taking away with one hand every penny that they pay him with the other. A clergyman, who now compounds for his tithes the occupiers of land paying all parochial rates, can hardly be expected to agree to a *permanent commutation*, which will leave him liable to a demand to be made *ad libitum*.

CHURCH FEES.

Perhaps it may be well to offer some slight remarks upon *Church fees* and *offerings*.

Assuming that both glebe and tithes were conferred upon the Church by immemorial endowment, there is perhaps no denomination of Christians which has the benefit of divine ordinances and the services of a Christian minister at so *cheap* a rate as the members of the Church of England. The dissenters, I believe, generally pay their ministers by contributions among themselves. The Roman Catholic parish priests in Ireland—at least in Dr. Doyle's diocese—appear to receive from their parishes nearly £200 a year each. Part of this sum is made up of *fees*, of which he says in his Evidence, "In the diocese "wherein I live, the offering at marriage is "generally a pound or a guinea; if a person "be poor, he does not give any thing, that "is if he be very poor; if he have some "little means, he gives, perhaps, five, or "ten, or fifteen shillings; and they are not "obliged by usage to give more than a "pound or a guinea; persons in good cir-"cumstances often give more. At baptism, "I believe, the general sum is half-a-crown; "and at funerals, where the parish priest "attends, he often gets a pound, and the "assistant priest about ten shillings[k]." From the same evidence it seems that the priests *sometimes* withheld their ministry unless the fees were paid.

The clergy of the Church of England are

[k] Evidence before the House of Lords.

expressly prohibited from requiring beforehand any *fee* for the celebration of either of the two sacraments, or for burial—for the burial, that is, of a parishioner; though several of them are entitled by *custom* to a fee for baptism or for burial. Such custom, however, is by no means general. To some few trifling fees upon the performance of certain divine offices all the clergy are entitled.

Easter offerings, amounting it seems to *twopence* per head upon every parishioner above *sixteen* years of age, are due, as has been decided by the Court of Exchequer, *of common right*, and not merely by *custom*. But Easter offerings in country villages are, perhaps, more frequently unpaid than paid; and when paid, are retained sometimes by the clerk, as constituting his sole remuneration.

It is to be wished that the *fees* which really are due to the clergy were placed upon some clear footing. They depend upon *custom*, but custom often varies. They of course should always be specified

in every *Terrier*. It is desirable too that the clergy generally—as conservators of the rights of their Church, and *trustees* for their successors—should make a point of receiving the *fees* and *offerings* which are really due to them, however trifling in value, and however much repugnance they may feel in taking them. They may always return to *poor* persons the amount,—or if they please double or treble the amount,—but the fees themselves ought not to be dropped.

The clergy sometimes receive considerable fees, which can not be considered as due of common right, and which indeed hardly seem to be founded in equity. The fees to which I allude are such as are required for leave to make a brick grave or a vault in the church-yard, for burying in the church, or for erecting a monument there. In the last case, I believe, the payment of the fee is enforced only by the refusal of the Ordinary to give permission for such erection, unless the fee to the clergyman is paid. I confess that when such permanent appropriation of what was intended for the common use of the

parishioners through a succession of years is permitted, it seems equitable that the fee for it should *not* be given to the clergyman for his own personal use. Such appropriations when often repeated may drive the parishioners to the necessity of providing an additional cemetery. Permission to make such appropriation should therefore be given either by the Ordinary, (without the expense of a faculty;) or by the Minister and Churchwardens jointly, and the fee deposited in a *Diocesan Provident Bank*, in which an account should be opened for each parish in which such payments may occur. The money would increase at *four per cent* interest, and be applied when wanted for any extensive repairs, or for any permanent improvement, or the enlarging of the church or churchyard.

In any legislation on the subject, there should be a saving of the interests of the *existing race of clergymen*, though probably most of them would be willing at once to relinquish such claims.

PARISH CLERKS.

Having said so much on the professional revenues of clergymen, I must be permitted to add a few words on the remuneration of their very useful assistants, the *parish clerks*.

The office of *parish clerk*, however humble, is still of considerable importance to the due celebration of divine service and the ordinances of religion. But it is an office, the remuneration of which in country villages is lamentably small and precarious. The parish clerk generally, I believe, receives a few pence at Easter, from every householder in the parish. If this pittance be withheld, there seems to be considerable difficulty in recovering it. On this subject Burn refers us to a constitution of Boniface, Archbishop of Canterbury in the reign of Henry III. This constitution says, "If the parishioners "shall maliciously withhold the accustomed "alms from the *aquæbajalus*, they shall "be earnestly admonished to render the "same; and if need be, shall be com-"pelled by ecclesiastical censure." If Boni-

face's constitution is ineffectual, (which it may well be, especially as it might be contended that the *aquæbajalus* and the parish clerk are not precisely the same officer,) or if it is checked by a prohibition, the clerk may proceed for the recovery of his pence by an *action at law!!* He may maintain an *assumpsit*, or a *quantum meruit*, or *a bill in equity!* Burn justly remarks, that the remedy would be worse than the disease, and asks, why he might not recover his dues by the aid of Justices of Peace, or in some other easy and expeditious manner. As the office is almost *essential* to the due celebration of divine service, a stipend should be assigned to the clerk by the parishioners, to be paid by the Churchwardens out of the rates; with an appeal to the Ordinary with respect to the amount; and with a power to the Petty Sessions to enforce payment, similar to that given by the Act for the recovery of small tithes, and other small sums due to the clergyman, or by the Act for the recovery of Church rates under a certain amount.

A Pamphlet was published in 1779, under the title of Considerations on the present state of the Church Establishment, in Letters to the Bp. of London. By John Sturges, Prebendary of Winchester and King's Chaplain.

I subjoin a few extracts, as tending to strengthen what I have advanced.

"A revision, my Lord, both of our Articles and Forms, undertaken at a proper time, when the public situation of our country will admit of attention to these internal concerns of it, under the authority of the State, by the governors of our Church, the successors of those venerable Reformers, conducted as it would then be with sobriety and good sense, would much contribute to her interests and honour; the ease of her own ministers would be consulted by it, many objections removed, and the good opinion of reasonable and moderate men of all parties conciliated." Page 28.

"Human institutions of every kind will grow less perfect and less useful, except they are from time to time refitted and readjusted. This must be the case with every National Church which has long subsisted; and it seems reasonable to use the same conduct with respect to that, as all wise

nations do in other parts of legislation, to make such alterations and amendments in ecclesiastical regulations, as any improvement in religious knowledge or change of circumstances may require. That this should not be done wantonly or unnecessarily will readily be admitted; but we surely seem too tender, too much afraid of moving a stone of our Church, as if in being touched, though ever so gently, the whole fabric would fall to pieces: I trust there is in it more strength and solidity." Pages 162, 163.

"The Scripture, though we allow it all to be of divine authority, yet it is not in all its parts equally fit for public and popular use." Page 143.

"I should suppose too, that lessons might be selected for Sundays and Holidays more improving than the present, more applicable to the belief and conduct of a Christian." Page 145.

In the fourth chapter of the preceding work *Sinecure Rectories* are spoken of.

It is provided by the Act 3 Geo. IV. cap. lxxii. sect. 13. (July 22, 1822.) that it shall be lawful for the Commissioners for Building Churches to convert any Vicarage, divided under the Church-Building Acts, into a Rectory, in any case in which the owner entitled in fee-simple to the Rectory or tithes, if an impropriate Rectory, or the

Patron entitled in fee-simple of a sinecure Rectory, and also the Incumbent of the sinecure Rectory of any such parish, if the same shall not be void at the time of any such conversion, and the person (if any) entitled to the absolute interest in any lease granted of the sinecure Rectory or glebe or tithes thereof, shall be willing to restore and release and reunite the tithes and glebe, &c. of any such parish, or of *any proportion of such parish*, as shall be satisfactory to such Commissioners, to the Incumbent of such parish and his successors for ever.

Sect. 14. In case the said Commissioners shall think proper to convert into a Rectory the Vicarage of any parish or separate division of a parish, and the possessor of the sinecure Rectory for two or more lives, by virtue of a lease granted thereof by a Rector, with the consent of the Patron and Ordinary, shall be desirous of retaining any manor, or other hereditaments, being the glebe of the said Rectory, and shall be willing to surrender and release all his estate and interest in the tithes, and the residue (if any) of the glebe, on condition that such manor and other hereditaments shall be vested in him in fee-simple, then it shall be lawful for the said Commissioners, with the consent of the Patron and Incumbent, to release and convey the said manor, &c. to such pos-

sessor, or such other person as he shall direct, his heirs and assigns for ever.

Sect. 14. It shall be lawful for all bodies politic, corporate, or collegiate, corporations aggregate *or sole*, tenants for life or in tail, &c. &c. to surrender any right of patronage, presentation, or appointment, &c. &c.

The Act is a most important one, and its provisions very useful and beneficial.

THE END.

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